

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

In Re: FEMA TRAILER  
FORMALDEHYDE PRODUCTS  
LIABILITY LITIGATION

MDL NO. 07-1873

SECTION "N" (4)

THIS DOCUMENT RELATES TO  
ALL CASES

**PRETRIAL ORDER NO. 8**

Pursuant to the Court's Order of May 9, 2008, Plaintiffs' Liaison Counsel ("PLC"), Manufacturing Defendants' Liaison Counsel ("MDLC"), and the Governments' Counsel ("GC") have submitted the following proposed deadlines to supplement the existing **class certification** deadlines established in Pretrial Order No. 6. The Court **ADOPTS** these guidelines and **ORDERED** as follows:

1. **June 6, 2008:** PLC, MDLC, GC will exchange:
  - A. Initial Witness and Exhibit Lists for the Class Certification Hearing in this matter, to include:
    - i. Names of fact witnesses who will be called at the Class Certification Hearing;
    - ii. Names of expert witnesses who will be called at the Class Certification Hearing, as well as their curriculum vitas, fee schedules, a listing of any other cases in which the expert has testified at trial or by deposition within the proceeding four (4) years, and a list of publications authored by them within the proceeding ten (10) years; and
    - iii. Identification of all documents and other exhibits that will be offered into

evidence at the Class Certification Hearing.

- B. Initial Written Discovery addressed to any and all parties.
2. **June 13, 2008:** PLC, MDLC, and GC will meet and confer in an effort to resolve all objections to Initial Written Discovery.
  3. **June 20, 2008:** PLC, MDLC, and GC will supplement their Witness Lists (including experts) and Exhibit Lists, if any additional listing is needed.
    - A. **June 30, 2008:** MDLC and GC will further supplement their Witness Lists (including experts) and Exhibit Lists, if any additional listing is needed.
    - B. **July 1, 2008:** PLC will designate one half (½) of the total number of proposed class representatives and produce completed Plaintiff Fact Sheets for these designated class representatives.
    - C. **August 1, 2008:** PLC will designate the remaining one half (½) of the proposed class representatives and produce completed Plaintiff Fact Sheets for these designated class representatives.
  4. **June 20, 2008:** PLC, MDLC, and GC will file objections to Initial Written Discovery.
  5. **June 25, 2008:** Non-Party depositions begin.
  6. **July 7, 2008:** Depositions of Parties begin;  
The week of July 7, 2008 is assigned to Defendants to set depositions;  
The week of July 14, 2008 is assigned to Plaintiffs to set depositions;  
The week of July 21, 2008 is assigned to Defendants to set depositions;  
The week of July 28, 2008 is assigned to Plaintiffs to set depositions;  
The week of August 4, 2008 is assigned to Defendants to set depositions;

The week of August 11, 2008 is assigned to Plaintiffs to set depositions;

The week of August 18, 2008 is assigned to Defendants to set the depositions of Plaintiffs' experts; and

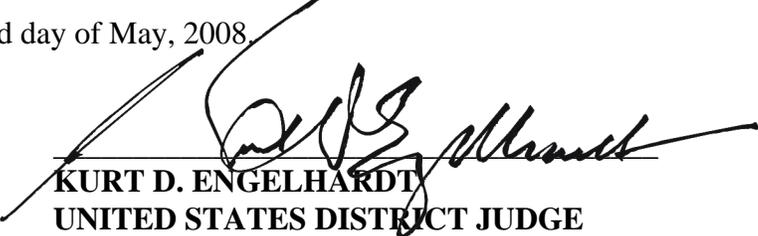
The week of August 25, 2008 is assigned to Plaintiffs to set the depositions of Defendants' experts.

7. **August 1, 2008:** PLC will submit Plaintiffs' Final Witness and Exhibit Lists.
8. **August 1, 2008:** PLC will submit Plaintiffs' expert reports, affidavits, and resumes of all experts to be called at the Class Certification Hearing.
9. **August 7, 2008:** MDLC and GC will submit Defendants' Final Witness and Exhibit Lists.
10. **August 15, 2008:** MDLC and GC will submit Defendants' expert reports, affidavits, and resumes of all experts to be called at the Class Certification Hearing.
11. **September 2, 2008:** The parties will complete all discovery of issues related to class certification, including depositions of witnesses identified by the PLC, MDLC, and GC.
12. **September 26, 2008:** Plaintiffs shall file a Motion to Certify a Class (with appropriate subclasses), pursuant to the Master Complaint, as well as a brief in support of the motion.
13. **October 7, 2008:** All Motions (including Daubert Motions and Motions in Limine) must be filed and served.
14. **October 17, 2008:** One brief in opposition to the Plaintiffs' Motion to Certify shall be filed by all manufacturers who have appeared through counsel herein, and one opposition brief shall be filed by the United States/FEMA.
15. **October 31, 2008:** The PLC, MDLC, and GC will submit to the Court a Joint Pre-Trial

Order including the following related to the Class Certification Hearing, presently scheduled for no later than November 19, 2008:

- A. All stipulations of fact regarding determination of class certification under Federal Rule 23;
- B. A final list of witnesses that complies with the requirements of Federal Rule 26 (a)(3);
- C. The designation of those witnesses whose testimony each party expects to present by deposition; and
- D. An identification of each document or other exhibit (including affidavits) that each party expects to offer into evidence at the Class Certification Hearing.

New Orleans, Louisiana, this 23rd day of May, 2008.



**KURT D. ENGELHARDT**  
**UNITED STATES DISTRICT JUDGE**