

MINUTE ENTRY
ROBY, M. J.
July 30, 2008

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: FEMA TRAILER FORMALDEHYDE
PRODUCTS LIABILITY LITIGATION

CIVIL ACTION

MDL NO: 07-01873

SECTION: "N" (4)

ORDER

A **STATUS CONFERENCE** was held in the above-captioned matter on Wednesday, July 30, 2008 at 4:00 p.m., before Magistrate Judge Karen Wells Roby. On the date and time of the hearing, **Justin I. Woods** and **Linda J. Nelson** appeared for the Plaintiffs' Steering Committee; **Joseph G. Glass** appeared for Gulf Stream Coach, Inc. and as Defendants' Liaison Counsel; **Jerry L. Saporito** appeared for Fleetwood Enterprises, Inc. and as Defendants' Liaison Counsel; **James K. Carroll** appeared for CMH Manufacturing, Inc., Palm Harbor Albemarle, LLC, Palm Harbor Homes, Inc., Palm Harbor Manufacturing, LP, and Southern Energy Homes, Inc.; **Madeleine Fischer** appeared for Dutchmen Manufacturing, Inc., Keystone RV Co., KZ RV, LP, Monaco Coach Corp., Pilgrim International, Inc., R-Vision, Inc., Thor California, Inc., and Thor Industries, Inc.; **Brenda L. Mistrot** appeared for Silver Creek Homes, Inc.; and **Thomas C. Pennebaker** appeared for ScotBilt Homes, Inc. Participating telephonically were **Ernest P. Gieger, Jr.** for Forest River, Inc.; **Henry T. Miller** for the United States of America ("United States"); and **Thomas W.**

MJSTAR: 02:46

Thagard, III for CMH Manufacturing, Inc., Palm Harbor Albemarle, LLC, Palm Harbor Homes, Inc., Palm Harbor Manufacturing, LP, and Southern Energy Homes, Inc. The status conference was recorded in part by David Zarek at 504-523-6062.

The purpose of the conference was to manage the discovery issues asserted in the Defendants' **Motion for Protective Order Regarding Electronic Discovery (R. Doc. 531)**, regarding the discovery of electronically stored information ("ESI").

Based on the Defendants' varying degrees of involvement in the matter and limited financial means to implement the proposed electronic searches, the Plaintiffs conceded at the conference that they would temporarily refrain from seeking electronic discovery as to the smaller or unnamed and unidentified manufacturers, until more information was discovered from the larger manufacturers. During the conference, the Court learned of a current list of eleven (11) key manufacturers who purportedly supplied the majority of the temporary housing units ("THU") at issue in this litigation. However, the parties represented that the "list" was faulty in various respects and in the continuous process of being updated due to the addition of new Defendants in the case. Therefore, for the purposes of electronic discovery, the Defendants agreed to jointly confer to devise a more correct "ranking list of the Defendants" for the Plaintiffs and the Court, specifically indicating for each Defendant: (1) the total number of THUs supplied by the Defendant to the United States and (2) which of the units were ultimately occupied, to the extent ascertainable.

In light of the discussions and concessions at the status conference,

IT IS ORDERED that the Defendants' **Motion for Protective Order Regarding Electronic Discovery (R. Doc. 531)** is **DENIED** without prejudice. The parties may re-file any subsequent motions, as particularized discovery disputes arise regarding ESI as to specific actors

in the case.

IT IS FURTHER ORDERED that the Defendants confer amongst themselves, and produce to the Plaintiffs and the Court a comprehensive ranking of the Defendants in this matter. The ranking must include (1) the names of the Defendants, (2) the number of THUs that each Defendant distributed to United States, and (3) the number of those THUs, per Defendant, that were eventually occupied. The Defendants must produce this ranked list to the Plaintiffs and to the Court no later than **fourteen (14) days** from the date of this Order.

IT IS FURTHER ORDERED that the Plaintiffs redraft their discovery inquiries, many of which are overbroad, to facilitate the production of ESI.

IT IS FURTHER ORDERED a live, in person status conference is scheduled for **Friday, August 15, 2008 at 2:00 p.m.** in the undersigned United States Magistrate Judge's Courtroom located at 500 Poydras Street, Room B-431, New Orleans, Louisiana.

IT IS FURTHER ORDERED that based on representations made by the parties, the stipulated protective order that is currently circulating amongst the parties shall be finalized and filed for the Court's review and signature no later than **Monday, August 4, 2008**.

New Orleans, Louisiana, this 31st day of July 2008


KAREN WELLS ROBY
UNITED STATES MAGISTRATE JUDGE