

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
Carrie Smith v. Recreation by Design, et al.

PRETRIAL ORDER NO. 48

Based on the information¹ received by the Court regarding the medical condition of Carrie Smith and her alleged inability to proceed as the bellwether plaintiff in the Recreation By Design bellwether trial, currently set for May 17, 2010,

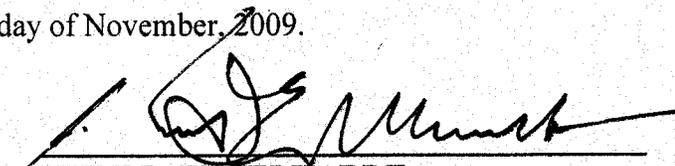
IT IS ORDERED that Carrie Smith is, at this time, allowed to withdraw as bellwether plaintiff without prejudice to her right to remain as a plaintiff in this MDL. However,

IT IS FURTHER ORDERED that Defendants shall have until Wednesday, November 18, 2009 to advise the Court whether they would like to either (1) depose Dr. M. Lagarde-May; or (2) get an independent medical evaluation ("IME"); or both; and then object, at which time the undersigned schedule a hearing to address this issue. The party who does not prevail at the hearing shall be responsible for paying the fees and costs of the hearing, including the fees of the doctor. In other words, if Defendants prevail and convince the undersigned that Ms. Smith can proceed as the bellwether plaintiff, the undersigned will dismiss Ms. Smith's case with prejudice, and Plaintiffs will be responsible for paying the fees and costs of the hearing, including the doctor's fees. If Plaintiffs prevail at the

¹ See Attachment.

hearing, the undersigned's current ruling allowing Ms. Smith to withdraw as bellwether plaintiff without prejudice to her right to remain as a plaintiff in this MDL will stand, and Defendants will be responsible for paying Plaintiffs' fees and costs of the hearing.

New Orleans, Louisiana, this 2nd day of November, 2009.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE



CARRIE L SMITH
7517 AVON PARK BLVD,
NEW ORLEANS, LA 70128

Date:10/16/2009

To Whom It May Concern:

The above-mentioned patient is a 78-year old female with Hypertension, Severe Osteoarthritis status post knee replacement, mild memory impairment, Diabetes and Glaucoma. She is compliant with her medications, however secondary to her combined comorbidities she continues to have difficulty on a daily basis. She often depends on family members for assistance.

Involving Ms. Smith in trial proceedings such as this will likely cause unneeded stress for my patient which is not in her best interest medically. I am asking that she be removed from your selection and choose someone more suitable.

If you have any additional questions please contact my office.
It is a pleasure working with you to assure the best health of my patient.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Lagarde-May", written over a large, circular scribble.

M.LAGARDE-MAY, MD
Family Medicine

cc: Douglass Schmitt
335 City Park Avenue
New Orleans, LA 70119

Electronically signed by Michele Lagarde-May, MD 10/16/2009 4:53:29 PM