

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA  
NEW ORLEANS DIVISION

IN RE: FEMA TRAILER  
FORMALDEHYDE  
PRODUCT LIABILITY LITIGATION

MDL NO. 1873

SECTION "N-4"

JUDGE ENGELHARDT  
MAG. JUDGE ROBY

THIS DOCUMENT IS RELATED TO ALL CASES

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ORDER

Considering the foregoing motion,

1. IT IS ORDERED that all plaintiffs' counsel in these proceedings must notify Plaintiffs' Liaison Counsel (PLC), within two (2) weeks of the entry of this Order, of the following information with respect to any and all prior testing of those emergency housing units which are the subject of this litigation and which have been tested for formaldehyde levels by, or on behalf of, said counsel for clients residing, or having resided, in these units:

- (1) The name of the head of household of each tested unit;
- (2) The current or last-known mailing address and current or last-known physical location of the tested unit;
- (3) Any relevant identifiers in counsel for plaintiffs' possession, such as the FEMA Bar Code and/or Vehicle Identification Number (VIN) for the tested unit whenever known; and
- (4) Manufacturer of the tested unit if known or when determined.

This information will be transmitted by email by PSC to Manufacturing Defendants' Liaison Counsel (MDLC), within two (2) weeks from the entry of this Order.

2. IT IS FURTHER ORDERED that all non-PSC plaintiffs' counsel in this litigation must give written notice of testing activity to Plaintiffs' Liaison Counsel (PLC) at least three (3) business days in advance of any formaldehyde testing activity intended with respect to emergency housing units occupied by their clients, including the following information:

- (1) The name of the head of household of each unit to be tested;
- (2) The address of the unit to be tested;
- (3) The FEMA Bar Code and/or Vehicle Identification Number (VIN) (when known) for the unit to be tested; and
- (4) Manufacturer of the unit to be tested if known or when determined.

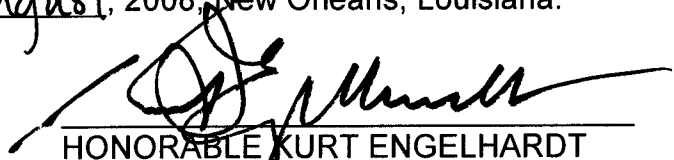
This information will be transmitted to Manufacturing Defendants' Liaison Counsel (MDLC), by PLC upon receipt of this information from non-PSC plaintiffs' counsel. Manufacturing Defendants and their experts are permitted to coordinate testing of these currently occupied units directly with non-PSC plaintiffs' counsel. Once testing is arranged with non-PSC plaintiffs' counsel, MDLC will notify PLC approximately twenty four (24) hours in advance of this testing.

3. IT IS FURTHER ORDERED that, with regard to testing to be performed by the PSC, the PSC will notify Manufacturing Defendants' Liaison Counsel (MDLC), of any perspective testing at least twenty-four (24) hours prior to the time that plaintiffs' team will begin testing these units. Plaintiffs' teams will then follow their protocol, install testing equipment, and retrieve the testing equipment from the unit approximately

twenty-four (24) hours later. After plaintiffs' testing equipment is retrieved and plaintiffs' testing is completed, defendants' testing teams will be provided reasonable access to these occupied units for testing. Occupants in these units are to cooperate fully with the parties and their experts in permitting reasonable access to the units for testing.

4. IT IS FURTHER ORDERED that the Manufacturing Defendants' Liaison Counsel (MDLC) may provide PSC with a list of units it has identified as units currently occupied by class representatives, or units currently occupied by plaintiffs submitting Fact Sheets where the Defendant manufacturer of such unit has fewer than three (3) occupied units tested as of August 22, 2008 which list will be known as the "Priority Occupied Unit Testing List". Upon receipt of that list, PLC will contact counsel for the class representative or plaintiff to arrange for testing of the unit. In addition to the units on the "Priority Occupied Unit Testing List", the PSC will help to facilitate testing of additional units that MDLC has identified as still occupied of which it wishes to test.

THIS DONE the 25<sup>th</sup> day of August, 2008, New Orleans, Louisiana.

  
HONORABLE KURT ENGELHARDT  
UNITED STATES DISTRICT JUDGE