

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

**PROTECTIVE ORDER REGARDING
PROTOCOL FOR TESTING TRAILERS**

Considering requests which have been made herein by counsel representing plaintiffs and counsel for defendant manufacturers, as well as concerns communicated to the Court and the parties by counsel for the U.S. Department of Justice, the Federal Emergency Management Agency [FEMA], and the Center for Disease Control and Prevention [CDC], and pursuant to an understanding reached in a telephone conference which the Court has conducted on December 19, 2007 with representatives for all of the above parties and non-party agencies, the following Protective Order is entered herein pursuant to Rule 26(c) of the Federal Rules of Civil Procedure:

IT IS ORDERED that the Court's Order, entered on December 13, 2007 relative to the proposed testing of FEMA trailers, is hereby rescinded; and

IT IS FURTHER ORDERED that, in connection with the testing of FEMA trailers to be

conducted pursuant to a CDC protocol commencing this Friday, December 21, 2007, counsel for the Department of Justice shall transmit to the Court-Appointed Liaison Counsel herein (namely, Justin Woods and Gerald Meunier for plaintiffs, and Andrew Weinstock for defendants), a full and complete description of the testing protocol, including the resident questionnaire to be used for any interviews to be conducted in connection with the protocol; and,

IT IS FURTHER ORDERED that said Liaison Counsel are prohibited from disseminating this information electronically, in writing, verbally, or otherwise, to any persons other than the following counsel and retained experts, pending further orders of the Court to the contrary:

Plaintiffs' Counsel:

Anthony Buzbee
Frank J. D'Amico
Hugh Lambert
Matt Moreland
Linda Nelson
Ronnie G. Penton

Plaintiffs' Experts:

Bob Carter
Mary Devany
John Doull
Marco Kaltofen
Pat LaRive
William Scott
Vincent Wilson

Defendants' Counsel:

Andy Weinstock
Tim Scandurro
Ryan Johnson
James Percy
Lyon Garrison

Ernie Gieger
Jerry Saporito
Richard Hines
Stewart Tharpe
Jason Bone
Dewey Scandurro

Defendants' Experts:

Dr. Phillip T. Goad
Dr. William L. Dyson
Dr. Jeffrey Brent; and

IT IS FURTHER ORDERED that the above-listed counsel and experts are prohibited from disseminating or communicating this information electronically, in writing, verbally, or otherwise to anyone else, pending further orders of the Court to the contrary; and

IT IS FURTHER ORDERED that representatives of the federal agencies shall afford to plaintiff and defendant representatives (to be designated by each side) an opportunity to observe a mock demonstration of the protocol, including the procedure for the administration of the resident Exposure Assessment Questionnaire, in advance of the actual testing; and

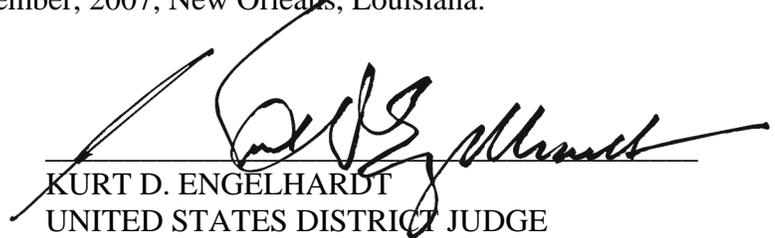
IT IS FURTHER ORDERED that the above-listed counsel and experts are prohibited from disseminating or communicating any information learned or observed during the above-referenced mock demonstration of the protocol, including any records that are made of the mock demonstration, pending further orders of the Court to the contrary; and

IT IS FURTHER ORDERED that counsel for the above federal agencies shall furnish to Liaison Counsel for plaintiffs and defendants the data and results obtained in the testing of the trailers, in a manner, format, and time frame to be agreed upon at a later date; and

IT IS FINALLY ORDERED that nothing herein shall be construed as an indication of the Court's position whether or not all or any part of the proposed trailer testing under the CDC

protocol is usable or admissible as evidence in this litigation, the rights of all parties as well as the non-party federal agencies to introduce such evidence or to object to or oppose such use or admissibility in the litigation being fully reserved.

THIS DONE the 20th day of December, 2007, New Orleans, Louisiana.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE