

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

**ORDER**

On October 29, 2008, the Court held a telephone status conference with the following counsel participating: Justin Woods, Linda Nelson, Henry Miller, Jonathon Wallen, and Joe Glass. During the conference, the Court **ORDERED** as follows:

(1) The subpoenas issued by the PSC to the Department of Energy (DOE), Lawrence Livermore Laboratory, Berkeley, California and to Bureau Veritas North America, Inc. are **QUASHED**, without prejudice to Plaintiffs' right to seek this information after the class certification hearing, through merits-based discovery. The Court concludes that, aside from the requests being made too late for class certification purposes, these documents are not relevant for class certification purposes, as Plaintiffs may present their own expert testimony probative of any point they seek to demonstrate

in arguing for class certification.

(2) For the same reasons, the Freedom of Information Act request to DOE, Lawrence Livermore Laboratory, Berkeley, California is **QUASHED**, without prejudice to Plaintiffs' right to seek this information after the class certification hearing, through merits-based discovery.

(3) Counsel for the Government shall confirm that any governmental testing by the aforementioned entities of FEMA emergency housing units ("EHUs") of individuals represented by counsel was initiated at the request of the EHU occupant, and verify how such contact information was distributed to EHU occupants. Counsel for the Government shall inform opposing counsel and the Court accordingly, by close of business on October 29, 2008.

New Orleans, Louisiana, this 29th day of October, 2008.

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