

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

PRETRIAL ORDER NO. 21

On November 7, 2008, the Court held a status conference in chambers with liaison counsel, steering committee members, and counsel for the Government. The following individuals were in attendance: Jerry Meunier, Justin Woods, Andrew Weinstock, Joe Glass, Matt Moreland, Raul Bencomo, Ernie Gieger, Frank D'Amico, Jr., Jerry Saporito, Jim Percy, Stewart Tharp, Linda Nelson, Adam Dinnell, Ronnie Penton, Richard Hines, Tim Scandurro, and Janice Williams-Jones. Tom Thagard and Lamont Domingue joined the in-chambers conference later. Following that conference, the Court held a general status conference in the courtroom, which was open to all counsel. As for the individuals in attendance, the Court has attached the sign in sheet from that conference.

During the conferences, the Court **ORDERED** as follows:

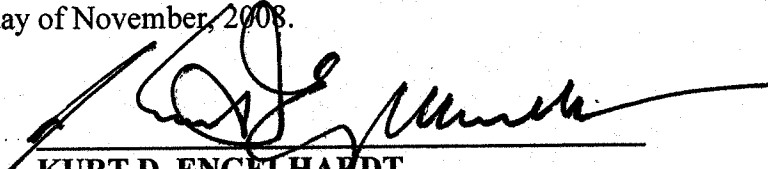
- (1) The class certification hearing is **SET** for **Tuesday, December 2, 2008, at 8:30 a.m.**
- (2) On or before **Wednesday, November 26, 2008**, the Government shall report to the Court and opposing counsel its position on (1) whether it is possible for the transfer of emergency housing units ("EHUs") to occur, and

- (2) if it is possible, how such transfer of units shall occur. If the Government reports its position that such transfer of units is not possible, then it shall provide the Court with the applicable regulations, etc. that it believes prohibit such transfer. Plaintiffs and the manufacturing Defendants may then jointly file the appropriate motion, which shall be noticed for hearing, to require such transfer.
- (3) As soon as possible, the Government shall submit to the Court a proposed order regarding the receipt of documents by mail.
- (4) **On or before Friday, November 14, 2008**, the parties shall submit to the Court, in letter form, an agreed-upon non-litigation track or schedule to be utilized by certain Newly-Added Defendants, specifically manufacturers of Mobile Housing Units.¹ The letter, which can later be converted into an Order of the Court, shall set forth by name the Defendants to which the separate non-litigation track shall apply.
- (5) **On or before Friday, January 16, 2009 at 8:45 a.m.**, the Court will hold a status conference in chambers with liaison counsel, committee members, and counsel for FEMA.
- (6) A general status conference, open to all counsel, will be held in the

¹ During the conference, counsel made a distinction between units with "wheels" versus those with "no wheels;" and a reference to those subject to HUD manufacturing regulations. (See Rec. Doc. 717, fn.4, 5). Based on the conference with counsel, this group of defendants consists of "no wheels" housing manufactured subject to the afore referenced HUD regulations.

courtroom of the undersigned on **Friday, January 16, 2009 at 10:00 a.m.**

New Orleans, Louisiana, this 7th day of November, 2008.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE

Trial Set: _____
July / Nov - July

FEMA
PLAINTIFF (S)
Formaldehyde 07MD1873
VERSUS

Magistrate: _____

DEFENDANT (S)
GENERAL

CONFERENCE: _____ PRE-TRIAL STATUS _____ SETTLEMENT _____
DATE: 11-7-08 TIME: 10 AM

PLEASE PRINT PLEASE PRINT

<u>NAME</u>	<u>FIRM</u>	<u>REPRESENT</u>
<u>GERALD MEUNIER</u>	<u>GAINSBURGH, BENJAMIN</u>	<u>PSC</u>
<u>Peter Taaffe</u>	<u>Buzbee Law Firm</u>	<u>Plaintiff</u>
<u>Paul R. BENJAMIN</u>	<u>BENJAMIN & Assoc.</u>	<u>II</u>
<u>LINDA J. NELSON</u>	<u>Lambert & Nelson PC</u>	<u>PSC</u>
<u>Adam Pinnell</u>	<u>DOJ</u>	<u>US</u>
<u>Janice Williams-Jones</u>	<u>FEMA</u>	<u>U.S.</u>
<u>TOM TINGARO</u>	<u>MCMARCO COOPER</u>	<u>NEWLY ADDED DEBS</u>
<u>Lamont P. Domingue</u>	<u>Vorhies & Labbe</u>	<u>multiple atq def's</u>
<u>Ben Mayeux</u>	<u>Laborde, Neuner</u>	<u>Horden Homes</u>
<u>JAMES CARROLL</u>	<u>Fowler Rodriguez</u>	<u>Newly Added DS</u>

PTO Received: _____

Trial Set: _____

Jury/Non-Jury

FEMA

PLAINTIFF(S)

Formaldehyde

VERSUS

CIVIL/CRIMINAL ACTION NO.:

07MD1873

Magistrate: _____

DEPENDANT(S)

GENERAL

CONFERENCE: PRE-TRIAL STATUS SETTLEMENT

DATE: 11-7-08

TIME: 10 AM

PLEASE PRINT

PLEASE PRINT

NAME

FIRM

REPRESENT

Thomas M. Young

Hobbler & Giordano

Philips Products

Ben Preece

Michael Hyle

IT

Mary Erickson

Michael Hingle

"

Larry Feldman

McGlinchey

Skyline & Layton

Neube deGravelles

DPHE

IT

Glen Marcantel

Daigh James & Rayson

D

Joe Rausa

Jim Hall

IT

Josh Keller

Deutsch, Kerrigan

Destiny Industries LLC

DIANE ZINIC

BECNEL

IT

DANIEL E. BECNEL

BECNEL

IT

PTO Received: _____

Trial Set: _____

Jury/Non-Jury

FEMA
PLAINTIFF(S)
Formaldehyde
VERSUS

CIVIL/CRIMINAL ACTION NO.:
07 MD 1873

DEFENDANT(S)

Magistrate: _____

GENERAL

CONFERENCE: PRE-TRIAL STATUS ✓ SETTLEMENT

DATE: 11-07-08

TIME: 10 AM

PLEASE PRINT PLEASE PRINT

NAME	FIRM	REPRESENT
<u>Robert M. Bevel</u>	<u>"</u>	<u>PSC</u>
<u>Thomas Penneble</u>	<u>Nielsen</u>	<u>Def. Scot Bitt</u>
<u>Aaron Ahlquist</u>	<u>D'Amico</u>	<u>TTs</u>
<u>Ronald Murphy</u>	<u>Conversant, Inc., et al</u>	<u>Recreation By Design, LLC TL INDUSTRIES, INC. FRONTIER RV, INC.</u>
<u>Tom Casik</u>	<u>Williamson, Feltzer</u>	<u>Jayco & Starcraft</u>
<u>Clay Garside</u>	<u>Waltzen & Assoc</u>	<u>TR</u>
<u>MIKE CROW</u>	<u>The CROW LAW FIRM</u>	<u>LEXINGTON TRAILOR</u>
<u>CONNOR ENA</u>	<u>RCPLANN</u>	<u>PSC</u>
<u>STUART BANKA</u>	<u>Hurricane Legal Ctr</u>	
<u>Jason Bouts</u>	<u>GLL</u>	<u>FOREST RIVER</u>

Trial Set: _____
July/Nov-July

FEMA
PLAINTIFF(S)
formaldehyde

CIVIL/CRIMINAL ACTION NO.:
07md1873

VERSUS

DEFENDANT(S)

Magistrate: _____

CONFERENCE: _____ PRE-TRIAL _____ STATUS GENERAL SETTLEMENT _____

DATE: 11/07/08

TIME: 10AM

PLEASE PRINT **PLEASE PRINT**

<u>NAME</u>	<u>FIRM</u>	<u>REPRESENT</u>
<u>Carson Strickland</u>	<u>Gieger Laborde</u>	<u>Forest River</u>
<u>David Kurtz</u>	<u>Baker Donelson</u>	<u>Shaw</u>
<u>Karen Whitfield</u>	<u>Baker Donelson</u>	<u>Shaw</u>
<u>EVAN BLANCHETTE</u>	<u>HALLEY McNAULTRA</u>	<u>AMERICAN HOMESTAR</u>
<u>Don Baker</u>	<u>Meynard Cooper</u>	<u>Clegton, Suburban, chy</u>
<u>Ed Sledge</u>		
<u>Tim Scanderra</u>	<u>Scanderra Hayrissen</u>	<u>G.S.</u>
<u>Doug Scanderra</u>	"	"
<u>JACK HARANK</u>	<u>JACK HARANK</u>	<u>TI</u>