

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

In Re: FEMA TRAILER
FORMALDEHYDE PRODUCTS
LIABILITY LITIGATION

MDL NO. 07-1873

SECTION "N" (5)

THIS DOCUMENT RELATES TO
ALL CASES

ORDER AND REASONS

Before the Court is the PSC Motion to Alter Judgement Under FRCP 59(e) (Rec. Doc 908), of the November 6, 2008 Order and Reasons (Rec. Doc. 842), which granted as unopposed Morgan's Motion to Dismiss Patricia A. Burr's individual claims (Rec. Doc. 726).

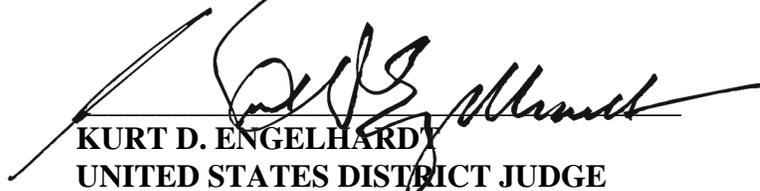
In support of its motion, the Plaintiffs' Steering Committee ("PSC") asserts that it "believed that continuance of the class claims against Morgan was legally justified, and necessarily would extend the suspension of all applicable statutes of limitations periods as to individual class member claims against [Morgan]." (Rec. Doc. 908-2, p. 1). The Court notes that, despite the PSC's "belief," it should have addressed all arguments presented in Morgan's motion. Indeed, this motion would not be necessary had the PSC properly done so.

However, this Court will exercise its considerable discretion and grant the PSC's motion to alter judgment in this regard. Thus, **IT IS ORDERED** that **PSC Motion to Alter Judgement Under FRCP 59(e) (Rec. Doc 908)** is **GRANTED**. Accordingly, the portion of the November 6, 2008 Order and Reasons (Rec. Doc. 842), which granted as unopposed Morgan's Motion to Dismiss Patricia A. Burr's individual claims (Rec. Doc. 726) is vacated.

Further, because the Court determines that Morgan's request to dismiss Patricia A. Burr's

individual claims is premature,¹ **IT IS ORDERED** that **Morgan's Motion to Dismiss (Rec. Doc. 726)** as it relates to Patricia A. Burr's individual claims is **DENIED WITHOUT PREJUDICE** to the right of Morgan to re-urge these arguments in a separate motion, if necessary, when such arguments are raised by other defendants.

New Orleans, Louisiana, this 1st day of December, 2008.



KURT D. ENGELHARDY
UNITED STATES DISTRICT JUDGE

¹ Indeed, other Defendants have preserved this very issue to be addressed later, if necessary on an individual basis.