

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. 28**

On Thursday, February 5, 2009, the Court held a status conference in chambers with liaison counsel, and counsel for the Government. Jerry Meunier, Justin Woods, Andrew Weinstock, Joe Glass, and Henry Miller attended.

As stated during the conference, **IT IS ORDERED** that:

(1) The Government shall file an opposition to the "PSC's Motion for Direct Filing into the Eastern District of Louisiana" (Rec. Doc. 1076) on or before Wednesday, February 18, 2009. Any reply thereto should be submitted as promptly as possible.

(2) On or before March 23, 2009, the parties shall submit the names of no less than 50 potential bellwether trial plaintiffs. From these names, one plaintiff for each of four bellwether jury trials shall be selected. The manufacturer defendants for these four trials shall be the four estimated to have the most emergency housing units (EHU's) at issue in this proceedings. These four

manufacturers are Gulf Stream, Fleetwood, Forest River, and Keystone RV. Only plaintiffs who have identified and sued one of the aforementioned four manufacturers, the relevant contractor, and the Government are eligible to serve as bellwether trial plaintiffs. In addition, for defendants Gulf Stream and Fleetwood, the bellwether plaintiffs must be selected from those plaintiffs for whom Plaintiff Fact Sheets already have been obtained and provided to the defendants. With respect to defendants Forest River and Keystone RV, Plaintiff Fact Sheets for plaintiffs serving as potential bellwether trial plaintiffs cases, if not already obtained and provided to the defendants, must be submitted no later than February 28, 2009. In addition, actions chosen for bellwether trials must have proper venue in the Eastern District of Louisiana, unless the parties in question consent to trial in this district. Finally, the names of potential bellwether trial plaintiffs submitted to the Court shall be separated by the four manufacturer defendants.

(3) Unless otherwise ordered, the four bellwether jury trials shall be held on September 14, 2009, October 26, 2009, December 7, 2009, and January 11, 2010, at 8:30 a.m.

(4) Unless otherwise ordered, the pre-trial conference for the September 14th trial shall be Thursday, September 3, 2009, at 10:30 a.m.; the pre-trial conference for the October 26th trial shall be Thursday, October 15, 2009, at 10:30 a.m.; the pre-trial conference for the December 7th trial shall be Thursday, November 19, 2009, at 10:30 a.m.; and the pre-trial conference for the January 11th trial shall be Thursday, December 17, 2009, at 10:30 a.m.

(5) Counsel for the parties are to utilize the four trial and pre-trial conference dates stated herein to confect scheduling orders establishing pre-trial deadlines. These scheduling orders are to be submitted to the Court on or before Thursday, February 12, 2009.

(6) The parties are to submit a proposed amendment to Pre-Trial Order No. 2,

relative to Plaintiff Fact Sheets, on or before Tuesday, February 10, 2009.

(7) Opposition(s) to the “PCS’s Motion for Approval of Court Notice for Former Class Members” (Rec. Doc. 1095) must be submitted on or before Thursday, February 12, 2009.

(8) The Court finds it appropriate to select an attorney to represent the contractor defendants as liaison counsel and to serve as a member of the Defendants’ Steering Committee. Unless an agreement as to the person appropriate for these positions can be reached no later than Friday, February 13, 2009, attorneys for those defendants will have until Thursday, February 26, 2009, to submit an application for the position to the Court.

New Orleans, Louisiana, this 10th day of February 2009.

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