

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

Considering that Bechtel National, Inc. has been named as a defendant in at least two "tag-along actions" filed in the United States District Court for the Southern District of Mississippi which are expected to be but have not yet been transferred to this MDL, for the sake of judicial efficiency and so as not to avoid duplicative discovery in this MDL, and based upon the consent of liaison for the Plaintiffs, the Contractors, and the Government, without motion and as a limited exception to Pre-Trial Order No. 10:

IT IS ORDERED that Bechtel National, Inc. be allowed to participate, as permitted by the Federal Rules of Civil Procedure and orders of this court, in pre-trial discovery scheduled in this MDL without waiving the same rights as any active contractor defendant has to seek additional discovery; and

IT IS FURTHER ORDERED that all defenses, including but not limited Rule 12 defenses and those listed in the preservation notices filed by the active defendants, which would be available in this MDL upon transfer of any tag-along action are reserved as to Bechtel National, Inc. and that Bechtel National, Inc. does not by participating in pre-trial discovery scheduled in this MDL waive any defenses available to it in this MDL or the Southern District of

Mississippi.

It is the intent of this Order to preserve any and all defenses and rights to discovery available to Bechtel National, Inc. in "tag-along actions" which have not yet been transferred to this MDL and in which Bechtel National, Inc. has not yet appeared so as to allow Bechtel National, Inc. to participate in pre-trial discovery scheduled in this MDL.

New Orleans, Louisiana, this 28th day of May, 2009.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE