

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 are the following joint Motions to Dismiss filed by the Manufacturing Defendants (Rec. Doc. No. 18684), the Contractor Defendants (Rec. Doc. No. 19080) and Morgan Building and Spa's Inc. (Rec. Doc. No. 18707). Based on the oppositions received (Rec. Docs. 18712, 19083, 19085, 19129, 19130, 19139, 19155, 19167, 19181, 19183, 19189, 19193, 19194, 19195, 19196, 19199, 19214, 19572, and 19768 and the replies thereto (Rec. Docs. 19048, 19767, 19803, 19809, 19844, 19881, and 19889),

**I.**

**IT IS ORDERED** that the remainder of the **Motions to Dismiss** filed by the **Manufacturing Defendants (Rec. Doc. No. 18684)** and the **Contractor Defendants (Rec. Doc.**

**No. 19080) are DENIED IN PART and GRANTED IN PART**, as stated herein.

Specifically, the motions are **DENIED WITHOUT PREJUDICE** as to the following cases:

06-5659- McGuire et al v. Gulf Stream Coach, Inc. et al

07-7018 - Devlin et al v. Fleetwood Enterprises Inc. et al

07-9141- Collins et al v. Forest River, Inc. et al

07--9248-- Pizani v. Gulf Stream Coach, Inc. et al

08--4630-- Laney et al v. United States of America et al

09--4973-- Ayers v. Forest River, Inc. et al

09--5006-- Brocks et al v. Keystone RV Company et al

09--5687-- Martin v. Giles Industries, Inc. et al

09--8444-- Demery, et al v. American International Specialty Lines Co., et al

09--8462-- Jones, et al v. Liberty Mutual Insurance Corporation, et al

09--8522-- Graf, et al v. American Intern. Specialty Lines Insurance et al

09--8524-- Jackson, et al v. American Intern. Specialty Lines Insurance et al

10--571-- Brown et al v. Keystone RV Company et al

10--572-- Jackson et al v. Recreation By Design, LLC et al

10--573-- Lamkin et al v. Frontier RV, Inc. et al

10--574-- Childs et al v. Heartland Recreational Vehicles, LLC et al

10--575-- McElroy et al v. Cavalier Home Builders, LLC et al

10--576-- Moody et al v. Stewart Park Homes, Inc. et al

10--577-- Johnson et al v. CMH Manufacturing, Inc. et al

10--578-- Carroll et al v. Coachmen Industries, Inc. et al

10--579-- Anderson et al v. Forest River, Inc. et al  
10--580-- Barksdale et al v. Keystone RV Company et al  
10--581-- Bracken et al v. Thor Industries, et al  
10--582-- Roberson v. TL Industries, Inc. et al  
10--583-- Acker et al v. Gulf Stream Coach, Inc. et al  
10--584-- Hendricks et al v. Gulf Stream Coach, Inc. et al  
10--917-- Caporelli et al v. Coachmen Industries, Inc. et al  
10--918-- Dulier et al v. KZRV, LP et al  
10--919-- Epps et al v. Palm Harbor Homes, Inc. et al  
10--920-- Moran et al v. FRH, Inc. et al  
10--921-- Powell et al v. Lucas Investments, LLC et al  
10--922-- Hamilton et al v. KZRV, LP et al  
10--1038-- Ursin-Seymour et al v. Gulf Stream Coach, Inc. et al  
10--1042-- Breland et al v. Forest River, Inc. et al  
10--1045-- Cuevas et al v. Cavalier Homes, Inc. et al  
10--1049-- Foxworth et al v. Southern Energy Homes, Inc. et al  
10--1360-- Anders et al v. Gulf Stream Coach, Inc. et al  
10--1366-- Coles et al v. DS Corp. et al  
10--1367-- Chatman et al v. Jayco, Inc. et al  
10--1368-- Cowan et al v. Dutchmen Manufacturing, Inc. et al  
10--1369-- Bradley et al v. River Birch Homes, Inc. et al  
10--1370-- Slade et al v. Sunnybrook RV, Inc. et al

- 10--1371-- Beeman et al v. Jayco, Inc. et al
- 10--1372-- DiEugenio et al v. Destiny Industries, LLC et al
- 10--1373-- Anderson et al v. Northwood Investments Corporation et al
- 10--1374-- Johnson et al v. Timberlane RV Company et al
- 10--1375-- Copeland et al v. American Camper Manufacturing, LLC et al
- 10--1376-- Dillon et al v. Dutchmen Manufacturing, Inc. et al
- 10--1377-- Fairley et al v. Stewart Park Homes, Inc. et al
- 10--1378-- Abdelhafiz et al v. Thor Industries, Inc. et al
- 10--1380-- Breaux et al v. Gulf Stream Coach, Inc. et al
- 10--1381-- Wesley v. Sunray RV, LLC et al
- 10--1382-- Robinson et al v. SUNNYBROOK RV, INC. et al
- 10--1383-- Beverly Frizzell et al v. DS Corp. et al
- 10--1384-- Jerkins et al v. Recreation By Design LLC et al
- 10--1385-- Wilborn et al v. River Birch Homes, Inc. et al
- 10--1386-- Armstrong et al v. Starcraft RV, Inc. et al
- 10--1388-- Hudson et al v. Sunline Acquisition Company Ltd. et al
- 10--1389-- Harbin et al v. Scotbilt Homes, Inc. et al
- 10--1402-- Kendrick v. Forest River, Inc. et al
- 10--1403-- Brewer v. Coachmen Industries, Inc. et al
- 10--1404-- Magee v. Thor Industries, Inc. et al
- 10--1409-- Coleman v. Forest River, Inc. et al
- 10--1685-- Bultman et al v. Forest River, Inc. et al

10--1686-- Barnes et al v. Keystone RV Company et al  
10--1687-- Watson v. Heartland Recreational Vehicles, LLC et al  
10--2032-- Acevedo et al v. CH2M Hill Constructors, Inc.  
10--2033-- Fulkerson v. CH2M Hill Constructors, Inc. et al  
10--2587-- Parker v. American Intern. Specialty Lines Insurance Company et al  
10--2599 -- Johnson et al v. Coachmen Industries, Inc. et al  
10--2600-- Williams v. Waverlee Homes, Inc. et al  
10--2601-- Shambarger v. Skyline Corporation et al  
10--2603-- Davison et al v. CH2M Hill Constructors, Inc. et al  
10--2604-- Benefield et al v. CH2M Hill Constructors, Inc. et al  
10--2605-- Keyes et al v. CH2M Hill Constructors, Inc. et al  
10--2606-- Duckworth v. Alliance Homes, Inc.  
10--2687-- Manning v. CH2M Hill Constructors, Inc. et al  
10--2688-- Buckhalter et al v. Bechtel National, Inc et al  
10--2690-- Robinson et al v. Alliance Homes, Inc. et al  
10--2691-- Bradshaw v. Cavalier Home Builders, LLC et al  
10--2692-- Smith v. Frontier RV, Inc. et al  
10--2693-- Manning et al v. Lakeside Park Homes, Inc. et al  
10--2694-- Alexander et al v. Mitchell County Industries, LLC et al  
10--2695-- Booth et al v. CH2M Hill Constructors, Inc. et al  
10--2696-- Foxworth et al v. CH2M Hill Constructors, Inc. et al  
10--2878-- Antoine et al v. CH2M Hill Constructors, Inc. et al

10--3126-- Evans v. Alliance Homes, Inc.

10--3620-- Jones et al v. Liberty Mutual Insurance Corporation et al

10--3629-- Duplessis et al v. American Intern. Specialty Lines Insur. Co. et al

Plaintiffs have 20 days from the entry of this Order to rectify the pleadings in the above cases in order to place them in the proper posture, if necessary, (i.e., plaintiffs matched to a single manufacturer, contractor, etc.). This 20-day period shall NOT be extended. If this is not done within the time limit prescribed herein, Defendants may file a motion to dismiss for failure to comply with this Order.

## II.

Further, the motions are **GRANTED WITH PREJUDICE, at Plaintiffs' costs**, as to the following cases:

09--4762-- Basile et al v. Alliance Homes, Inc. et al

09--5325-- Purcell et al v. Alliance Homes, Inc. et al

09--5326-- Perkins et al v. Alliance Homes, Inc. et al

09--5327-- Williams et al v. Alliance Homes, Inc. et al

09--5328-- Acker et al v. Alliance Homes, Inc. et al

09--5329-- Hill et al v. Alliance Homes, Inc. et al

09--5330-- Adam et al v. Alliance Homes, Inc. et al

09--5331-- Aguiliz et al v. Alliance Homes, Inc. et al

09--5332-- Pollard et al v. Alliance Homes, Inc. et al

09--5333-- Adams et al v. Alliance Homes, Inc. et al

09--5334-- Sims et al v. Alliance Homes, Inc. et al

09--5335-- Guillot et al v. Alliance Homes, Inc. et al  
09--5340-- Grillier et al v. Alliance Homes, Inc. et al  
09--5341-- Defelice et al v. Alliance Homes, Inc. et al  
09--5343-- Acklin et al v. Alliance Homes, Inc. et al  
09--5348-- Franklin et al v. Gulf Stream Coach, Inc. et al  
09--5349-- Turner et al v. Gulf Stream Coach, Inc. et al  
09--5350-- Magee et al v. Gulf Stream Coach, Inc. et al  
09--5351-- Adams et al v. Gulf Stream Coach, Inc. et al  
09--5352-- Anderson et al v. Gulf Stream Coach, Inc. et al  
09--5353-- Allen et al v. Gulf Stream Coach, Inc. et al  
09--5354-- Ambrose et al v. Gulf Stream Coach, Inc. et al  
09--5355-- Gains et al v. Gulf Stream Coach, Inc. et al  
09--5356-- Robertson et al v. Gulf Stream Coach, Inc. et al  
09--5357-- Price et al v. Gulf Stream Coach, Inc. et al  
09--5358-- Aguillard et al v. Gulf Stream Coach, Inc. et al  
09--5372-- Bentel et al v. Gulf Stream Coach, Inc. et al  
09--5376-- Aguillard et al v. Gulf Stream Coach, Inc. et al  
09--5443-- Riley et al v. Alliance Homes, Inc. et al  
09--6178-- Avants et al v. Alliance Homes, Inc. et al  
09--6187-- Austin et al v. Alliance Homes, Inc. et al  
09--6397-- Allen et al v. Gulf Stream Coach, Inc. et al  
09--6398-- Adams et al v. Gulf Stream Coach, Inc. et al

09--6399-- Autman et al v. Gulf Stream Coach, Inc. et al  
09--6400-- Dixon et al v. Gulf Stream Coach, Inc. et al  
09--6712-- Stewart v. Alliance Homes, Inc. et al  
09--6873-- Bruno v. Gulf Stream Coach Inc  
09--6874-- Patterson v. Gulf Stream Coach Inc  
09--6875-- Stagg v. Gulf Stream Coach Inc  
09--6876-- Guillory v. Gulf Stream Coach Inc  
09--6877-- Anthony v. Gulf Stream Coach Inc  
09--6878-- Andrews v. Gulf Stream Coach Inc  
09--6884-- Massey v. Alliance Homes, Inc  
09--6885-- Hebert v. Gulf Stream Coach Inc  
09--7166-- Barber v. Alliance Homes, Inc.  
09--7167-- Stewart, et al v. Alliance Homes, Inc.  
09--7356-- Barrett v. Gulf Stream Coach, Inc.  
09--7888-- Robinson v. Alliance Homes, Inc., et al  
09--7940-- Burl, et al v. Alliance Homes, Inc., et al  
09--8435-- Wood, et al v. ABC Manufacturing Company, et al  
09--8436-- Levy, et al v. ABC Manufacturing Company, et al  
10--2102-- Ashley et al v. Allen Camper Manufacturing Company, Inc.  
10--3120 -- Olsen v. Alliance Homes, Inc.  
10--3143-- Terrell v. Alliance Homes, Inc.  
10--3149-- Evans v. Alliance Homes, Inc.



10--3626-- Patterson et al v. ABC Manufacturing Company et al

10--3627-- Dison et al v. ABC Manufacturing Company et al

10--3631-- Ussin et al v. ABC Manufacturing Company et al

10--3633-- Tasker et al v. ABC Manufacturing Company et al

10--4074-- King, George et al v. ABC Manufacturing Company et al

10--4075-- Woods, Anthony et al v. ABC Manufacturing Company et al

10--4076-- Cauley, Schrell et al v. ABC Manufacturing Company et al

Plaintiffs in the above cases have had ample opportunity to match, and have failed to show good cause exists to further extend matching opportunities. This Order does not impact any plaintiffs who have, at this point, been properly severed from the above cases.

### III.

The motions are **GRANTED partly with prejudice and partly without prejudice** in member case no. 08--4629-- Babin et al v. Cavalier Home Builders, LLC et al. The motion is granted without prejudice to the rights of the Taylor Plaintiffs to pursue their claim against Fleetwood in bankruptcy court. The motion is granted with prejudice as to Isabella Farley and Dale, Kelly, and Brittany Joiner, who have all had ample opportunity to match, and who have all failed to show that good cause exists to further extend matching opportunities.

### IV.

The motions are **GRANTED IN PART AND DENIED IN PART** as to the following cases.

09--4953-- Brown et al v. Alliance Homes, Inc. et al

09--5252-- Anderson, et al v. Alliance Homes, Inc., et al

09--5336-- James et al v. Alliance Homes, Inc. et al

09--8011-- Bowens v. Gulf Stream Coach, Inc., et al

In the above cases, the motions are granted with prejudice, and at Plaintiffs' costs as to all presently unmatched plaintiffs. The motions are denied without prejudice as to the remaining plaintiffs who are currently in the process of filing motions for leave to amend. Such plaintiffs have 20 days from the entry of this Order to rectify the pleadings in the above in order to place this case in the proper posture (i.e., plaintiffs matched to a single manufacturer, contractor, etc.). This 20-day period shall NOT be extended. If this is not done within the time limit prescribed, Defendants may file a motion to dismiss for failure to comply with this Order.

**V.**

The motions are **DENIED** (in that Defendants' dismissal request has been withdrawn) as to the following cases:

09--4428-- Towe et al v. Redman Homes Inc. et al

09--4429-- Towe v. Redman Homes Inc. et al

09--7122-- Page, et al v. CMH Manufacturing, Inc., et al

10--1307-- Ratcliff et al v. CMH Manufacturing, Inc. et al

**VI.**

For the following cases, the Motion to Dismiss filed by the Manufacturing Defendants (Rec. Doc. No. 18684) is **DENIED** and the Motion to Dismiss filed by the Contractor Defendants (Rec. Doc. No. 19080) is **GRANTED AS UNOPPOSED**:

09--8024-- Luvenc v. Coachman Industries Inc., et al

09--8025-- Carr v. Fleetwood Enterprises, Inc., et al

09--8026-- Johnson v. Patriot Manufacturing, Inc., et al

09--8027-- Payton v. American Camper Manufacturing, LLC, et al

09--8029-- Halsell v. Cavalier Home Builders, LLC, et al

09--8032-- Heidleberg, et al v. Coachmen Industries, Inc., et al

09--8050-- Robertson, et al v. Thor Industries, Inc., et al

09--8051-- Williams v. Vanguard Industries of Michigan, Inc., et al

09--8052-- White, et al v. Pilgrim International, Inc., et al

09--8083-- Fagan, et al v. Pilgrim International, Inc., et al

09--8084-- Williams v. Destiny Industries, LLC, et al

09--8085-- Bolton, et al v. River Birch Homes, Inc., et al

09--8086-- Quinn, et al v. Fleetwood Enterprises, Inc., et al

09--8105-- Andrews, et al v. Thor Industries, Inc., et al

09--8106-- James, et al v. Coachman Industries, Inc., et al

09--8162-- Stork, et al v. Monaco Coach Corporation, et al

09--8163-- Lewis, et al v. Dutchmen Manufacturing, Inc., et al

09--8166-- Hendry v. Recreation By Design, LLC, et al

09--8167-- Mason, et al v. Coachman Industries, Inc., et al

09--8168-- Smith, et al v. Sunray RV, LLC, et al

09--8169-- Thoams, et al v. Pilgrim International, Inc., et al

09--8178-- Graham, et al v. Gulf Stream Coach, Inc., et al

09--8181-- Ball, et al v. Dawson, et al

09--8183-- Acey, et al v. DS Corp., et al

09--8184-- Anderson, et al v. Forest River, Inc., et al

- 09--8220-- Plummer v. Patriot Manufacturing, Inc., et al
- 09--8221-- Chico v. Cavalier Home Builders, LLC, et al
- 09--8222-- Hobbs, et al v. Jayco, Inc., et al
- 09--8270-- Deflanders, et al v. Monaco Coach Corporation, et al
- 09--8271-- Griffith, et al v. River Birch Homes, Inc., et al
- 09--8273-- Davis, et al v. Pilgrim International, Inc., et al
- 09--8274-- Judson, et al v. Southern Energy Homes, et al
- 09--8275-- Freeman, et al v. Starcraft RV, Inc., et al
- 09--8276-- Roth, et al v. R-Vision, Inc., et al
- 09--8278-- Gaines, et al v. Homes of Merit, Inc., et al

Thus, all claims against the contractor defendants in these cases are dismissed with prejudice.

## VII.

The following motions are **DENIED AS PREMATURE**, without prejudice to the right of Defendants to request such relief, if necessary, after the Court makes a ruling on the pending Motions to Remand:

- 10--4118-- Carpenter, Brian et al v. Doug Boyd Enterprises, LLC et al
- 10--4119-- Sommerville, Melissa v. Gulf Stream Coach, Inc. et al
- 10--4120-- Ammentorp, Kevin et al v. Gulf Stream Coach, Inc. et al
- 10--4125-- Spiers, Shiela M. v. Motex Enterprises, Inc. et al
- 10--4126-- Cook, Tina v. Forest River, Inc. et al
- 10--4127-- Crawford, Mary et al v. Forest River, Inc. et al
- 10--4128 Mayes, Catherine et al v. Madison Services, Inc. et al

**VIII.**

As for case no. 09--4661-- Acosta et al v. Gulf Stream Coach, Inc. et al, the Motion to Dismiss filed by the Manufacturing Defendants (Rec. Doc. No. 18684) is **DENIED** as all plaintiffs are properly matched to one manufacturer. However, the Motion to Dismiss filed by the Contractor Defendants (Rec. Doc. No. 19080) is **GRANTED** with prejudice only as to the claims of Alan Daughtry, as his contractor is currently unknown.

**IX.**

As for case no. 09--4839-- Alexis et al v. Monaco Coach Corporation et al, the Motion to Dismiss filed by the Manufacturing Defendants (Rec. Doc. No. 18684) is **DENIED** as all plaintiffs are properly matched to one manufacturer. However, the Motion to Dismiss filed by the Contractor Defendants (Rec. Doc. No. 19080) is **GRANTED** with prejudice only as to the claims of Sharlene Bush, as her contractor is currently unknown.

**X.**

As for case no. 09--4669--Adams et al v. Fleetwood Canada, Ltd. et al, the Motion to Dismiss filed by the Manufacturing Defendants (Rec. Doc. No. 18684) is **DENIED** as all plaintiffs are properly matched to one manufacturer. However, the Motion to Dismiss filed by the Contractor Defendants (Rec. Doc. No. 19080) is **GRANTED** with prejudice as to the claims of all individuals who are not yet properly matched to once contractor (i.e., Jennifer Blanchard, Gayle Laris, etc.).

**XI.**

**IT IS FURTHER ORDERED** that the remainder of the **Motion to Dismiss filed by Morgan Building and Spa's Inc. (Rec. Doc. No. 18707)** is **GRANTED**, as stated below.

The motion is **GRANTED** as to case no. 10-779 - Steven Weyland Fincher, et al. v. Gulf

Stream Coach, Inc., et al., as this is a “shell” case with no plaintiffs remaining.

This motion is also **GRANTED** as to the following cases, which fail to properly match plaintiffs to one “procurement” defendant:

10-999 -Stephanie Gagliano v. Southern Energy Homes, Inc., et al.

07-7494 -Kimberly Nelson, et al. v. Gulf Stream Coach, Inc., et al.

Defendant Morgan is hereby dismissed with prejudice from the above two cases.

New Orleans, Louisiana, this 24th day of January, 2011.



**KURT D. ENGELHARDT**  
**United States District Court**