

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
Member Case No. 09-8626

ORDER AND REASONS

Local Rule 7.5 of the Eastern District of Louisiana requires that a memorandum in opposition to a motion be filed eight days prior to the noticed submission date. No memoranda in opposition to the "Motion to Dismiss for Failure to Comply with Pre-Trial Order Nos. 2, 32 and 88 Relating to Plaintiff Fact Sheets," filed by defendant Recreation By Design, LLC (Rec. Doc. 23185, as modified by Rec. Docs. 23308 and 23326), noticed for submission on November 2, 2011, was filed. Further, it appears to the Court that this motion has merit. Accordingly,

IT IS ORDERED that the "**Motion to Dismiss for Failure to Comply with Pre-Trial Order Nos. 2, 32 and 88 Relating to Plaintiff Fact Sheets**" (Rec. Doc. 23185, as modified by Rec. Docs. 23308 and 23326), filed by defendant Recreation By Design, LLC, is hereby **GRANTED**, dismissing with prejudice the claims of the following plaintiffs:

1. Xavier Reed;
2. Andre Skelton;
3. Wallace Smith;
4. Rev. Andrew Sylvester;

5. Bertha Sylvester; and
6. Barry Watts.

IT IS FURTHER ORDERED that counsel should refer to and familiarize themselves with Pretrial Order No. 10, ¶¶ (1) and (2) (Rec. Doc. 301), to the extent such rules are applicable to this particular instance.

A motion for reconsideration of this Order, if any, must be filed within twenty-eight days of the date this Order is entered by the Clerk of Court. The motion must be accompanied by opposition memorandum to the original motion. Because a motion for reconsideration would not have been necessary had a timely opposition memorandum been filed, the costs incurred in connection with the motion, including attorneys' fees, will be assessed against the party moving for reconsideration. *See* FED. R. CIV. P. 16, 83. A statement of costs conforming to Local Rule 54.3 shall be submitted by all parties desiring to be awarded costs and attorneys' fees no later than eight days prior to the hearing of the motion for reconsideration.

New Orleans, Louisiana, this 2nd day of November 2011.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE