

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. 07-9228

TRIAL SCHEDULING ORDER

Elisha Dubuclet on behalf of Timia Dubuclet v. Fleetwood Canada, Ltd., Fleetwood Enterprises, Inc., Fleetwood Homes of North Carolina, Inc., Fleetwood Homes of Georgia, Inc., and Fleetwood Travel Trailers of Maryland, Inc. (collectively "Fleetwood")

All pre-trial motions, including dispositive motions, shall be filed no later than **November 2, 2009** (34 days prior to Trial Date).

All motions in limine and Daubert motions shall be filed not later than the day the pre-trial order is due: **November 13, 2009** (6 days prior to the Final Pre-Trial Conference).

Requests for oral argument shall be submitted and handled in accordance with Local Rule 78.1E.

Counsel shall complete all disclosure of information as follows:

All parties have stipulated that initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) will not be conducted in this case.

Depositions for use at trial shall be taken and all discovery shall be completed no later than **October 30, 2009** (38 days prior to the Trial Date).

Written reports of experts, as defined by Federal Rules of Civil Procedure 26(a)(2)(B), who may be witnesses for defendant fully setting forth all matters about which they will testify and the basis therefore shall be obtained and delivered to counsel for plaintiff as soon as possible, but in no event later than **August 21, 2009**, as set forth in this Court's order dated August 4, 2009 [Rec Doc. 2519]. Notwithstanding the foregoing and as agreed to by the parties, this order contemplates that certain medical expert reports that are awaiting the results of the RAST test shall be delivered to Plaintiffs 10 days after receipt of the results of the RAST test. Additionally, the report of Dr. Patricia Farris shall be delivered to Plaintiffs on **October 2, 2009**, which is 9 days after the medical examination scheduled by defendant Fleetwood to occur on September 23, 2009.

Counsel for the parties shall file in the record and serve upon their opponents a list of all

witnesses who may or will be called to testify at trial, and all exhibits that may or will be used at trial no later than **October 7, 2009** (69 days prior to the Final Pre-Trial Conference).

The Court will not permit any witness, expert or fact, to testify or any exhibits to be used unless there has been compliance with this Order as it pertains to the witness and/or exhibits, without an order to do so issued on motion for good cause shown.

Settlement possibilities were discussed at the Preliminary Conference, held February 5, 2009. A further settlement conference will be scheduled at any time at the request of any party.

This case **does** involve extensive documentary evidence, depositions or other discovery.

A final pre-trial conference will be held before the District Judge on **November 19, 2009 at 10:30 a.m.** Counsel will be prepared in accordance with the final Pre-Trial Notice attached.

THE PRETRIAL ORDER SUBMITTED TO THE COURT MUST BE DOUBLE SPACED, PAGINATED, AND SIGNED BY ALL COUNSEL.

Trial will commence during the week beginning **December 7, 2009 at 8:30 a.m.** before the District Judge with a jury. Attorneys are instructed to report for trial no later than 30 minutes prior to this time. The starting time on the first day of a jury trial may be delayed or moved up because of jury pooling. Trial is estimated to last **fourteen** days.

Deadlines, cut-off dates, or other limits fixed herein may only be extended by the Court upon timely motion filed in compliance with the Plan and Local Rules and upon a showing of good cause. Trial will not be continued, even on joint motion, absent good cause or compelling reason. If, however, a continuance is granted, deadlines and cut off dates will not be extended automatically, unless otherwise ordered by the Court.


It shall be assumed that all attorneys listed as counsel of record are, at all times, informed and conversant about the case, and have authority to discuss this matter with the Court.

No cell phones, pagers, beepers, or other audible communication devices are allowed in Section "N" courtroom and chambers. Any audible electronic communication devices brought in to the Section "N" courtroom or chambers are subject to permanent confiscation, and/or sanction of the violator of this policy. You may turn such devices in to Susan Adams, judicial assistant in Section "N", upon arriving, and pick them up when you have completed business in Section "N."

All communication with Court staff is equivalent to communication directly with the undersigned, and shall be courteous and professional. Any conduct toward Court staff in deviation of this standard shall be promptly reported to the undersigned.

**COUNSEL ARE INSTRUCTED TO INCLUDE THEIR FAX NUMBERS AND
EMAIL ADDRESSES ON ANY DOCUMENTS THAT ARE FILED WITH THIS COURT.**

New Orleans, Louisiana, this 17th day of August, 2009.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE