

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. 17**

Pursuant to a telephone conference conducted by the Court on September 9, 2008 with Plaintiffs' Liaison Counsel (PLC), Manufacturing Defendants Liaison Counsel (MDLC), and the Government's Counsel (GC), and for good cause shown,

IT IS ORDERED that the following deadlines which initially were addressed in Pretrial Order No. 8 (Doc. 287), and subsequently modified in Pretrial Order No. 13 (Doc. 564), now are further modified and re-established as follows:

- 1. September 25, 2008:** MDLC and GC will submit expert reports, affidavits, and resumes of all experts to be called at the Class Certification Hearing.
- 2. October 10, 2008:** The parties will complete all discovery of issues related to class certification, including depositions of witnesses identified by the PLC, MDLC an GC, except that, if necessary, the depositions of plaintiff class representatives may be taken

no

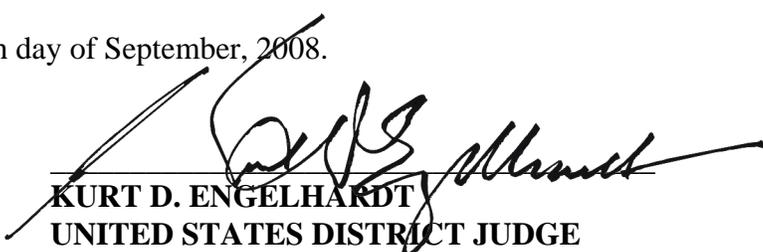
later than **October 24, 2008**. It is understood that the parties by agreement are deferring the scheduling of certain depositions until after the Court rules on the pending PSC Motion for Leave to File Plaintiffs Second Supplemental and Amended Master Complaint.

- 3. October 21, 2008:** All motions (including *Daubert* motions and motions *in limine*) must

be filed and served.

4. **October 24, 2008:** Plaintiffs shall file a Motion to Certify a Class (with appropriate subclasses), pursuant to the Master Complaints and any amendments thereto, as well as a brief in support of the motion.
5. **November 14, 2008:** One brief in opposition to the Plaintiffs' Motion to Certify shall be filed by all manufacturers who have appeared through counsel herein, and one opposition brief shall be filed by the United States/FEMA.
6. **November 19, 2008:** The PLC, MDLC and GC will submit to the Court a Joint Pretrial Order including the following related to the class certification hearing, which now will occur no later than **December 3, 2008:**
  - a. All stipulations of fact regarding determination of class certification under Federal Rule 23;
  - b. A final list of witnesses that complies with the requirements of Federal Rule 26(a)(3);
  - c. The designation of those witnesses whose testimony each party expects to present by deposition; and
  - d. An identification of each document or other exhibit (including affidavits) that each party expects to offer into evidence at the Class Certification Hearing.

New Orleans, Louisiana, this 15th day of September, 2008.

  
KURT D. ENGELHARDT  
UNITED STATES DISTRICT JUDGE