

**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
the Keystone bellwether trial

PRETRIAL ORDER NO. 52

The Court has been informed that FEMA has been unable to locate the emergency housing unit ("EHU") in which bellwether plaintiff David McGraw resided. Despite this fact and as the parties have suggested,

IT IS ORDERED that the Court will proceed with McGraw as the bellwether plaintiff inasmuch as he would be representative of the numerous plaintiffs whose trailers are missing, destroyed, or otherwise unavailable for trial. This will likely involve the utilization of Plaintiffs' statistical model that they have been developing. It is anticipated that Defendants will present challenges to the use of this statistical model. Accordingly,

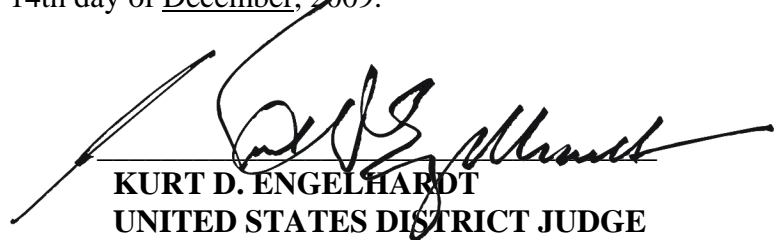
IT IS FURTHER ORDERED that any motion directed to Plaintiffs' use of the statistical model shall be filed **on or before Tuesday, May 18, 2010** and shall be noticed for hearing on **Wednesday, June 2, 2010.**

Also, the Court has been informed that the substitute bellwether plaintiff, Paul Lastrapes, has decided to dismiss his claims in this matter. Nonetheless,

IT IS FURTHER ORDERED that until otherwise requested by formal motion, and such motion being granted by the Court, Lastrapes shall remain the back-up bellwether plaintiff for this bellwether trial, and shall participate in all such discovery commensurate.

IT IS FINALLY ORDERED that in the event that McGraw is rendered unable to serve in his capacity as bellwether plaintiff in this trial, and in the further event that Lastrapes dismisses his case or is otherwise rendered unable to serve in his capacity as the back-up bellwether plaintiff in this trial, Jonah Stevenson and, last, Kenneth Risch, shall be the substitute bellwether plaintiffs. The parties shall engage in pre-trial discovery and trailer testing on all of these selections (McGraw and substitutes Lastrapes, Stevenson, and Risch (in this order)) and be ready to proceed to trial on July 19, 2010 on any of these selections, in lieu of the prioritized plaintiff.

NEW ORLEANS, LOUISIANA, this 14th day of December, 2009.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE