

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

IN RE: FEMA TRAILER * MDL NO. 1873
FORMALDEHYDE *
PRODUCT LIABILITY LITIGATION * SECTION "N-5"
* JUDGE ENGELHARDT
THIS DOCUMENT IS RELATED TO *
ALL CASES * MAG. JUDGE CHASEZ
*

JOINT REPORT NO. 11 OF LIAISON AND GOVERNMENT COUNSEL

Plaintiffs' Liaison Counsel ("PLC"), Manufacturing Defendants' Liaison Counsel ("MDLC"), Individual Assistance/Technical Assistance Contractor Defendants' Liaison Counsel ("IALC") subject to a full reservation of rights and defenses, and U.S. Government Counsel ("GC") respectfully submit this Joint Report No. 11.

I. REPORT OF CLAIMS AND CASE INVENTORY:

PLC and MDLC report that a total of 211 actions now have been filed, or transferred into, this MDL. PLC and MDLC are unaware of any other actions filed in other districts that currently are awaiting transfer into the MDL. The following complaints were filed since the last Joint Report:

LOUISIANA:

Collette A. Adams, et al v. Cavalier Home Builders, LLC, et al, filed on May 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3562.

Collette A. Adams, et al v. Heartland Recreational Vehicles, LLC., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3727.

Robert M. Aguilera, et al v. KZRV LP, et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3738.

Jacklyn Aguilar, et al v. Layton Homes Corp., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3730.

Thomas Ahl, et al v. Frontier RV, Inc., et al, filed on May 19, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3589.

Helen Albarado, et al v. Keystone RV Company, et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3731.

Helen Albarado, et al v. Morgan Buildings and Spas, Inc., et al, filed on June 11, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3829.

Quanza Albert, et al v. Gulf Stream Coach, Inc., et al, filed on June 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4106.

Jonathan Alexander, et al v. Gulf Stream Coach, Inc., et al, filed on June 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4103.

Mary Alexander, et al v. Gulf Stream Coach, Inc., et al, filed on May 7, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3481.

Marie Allen, et al v. Gulf Stream Coach, Inc., et al, filed on May 7, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3482.

Blanca Alvarado, et al v. Keystone Industries, Inc., et al, filed on June 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4105.

Jose Alvarez, et al v. TL Industries, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3720.

Barbara Anderson v. Forest River, Inc., et al, filed on April 9, 2009 in the United States District Court for the Middle District of Louisiana, Docket No. 09-203. Transferred to MDL, Docket No. 09-3617.

Charles E. Arbour, et al v. Recreation by Design, LLC, et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3733.

Charles E. Arbour, et al v. Vanguard Industries of Michigan, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3728.

Lorelei Augustine, et al v. SunRay RV, LLC, et al, filed on May 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3559.

Somaya Bader, et al v. Gulf Stream Coach, Inc., et al, filed on June 11, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3824.

Ashley M. Bailey, et al v. Forest River, Inc., et al, filed on May 19, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3588.

Jay Ball, et al v. Frontier RV, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3745.

Anthony J. Barcia, et al v. Thor California, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3742.

William Barker, et al v. Forest River, Inc., et al, filed in the United States District Court for the Middle District of Louisiana, Docket No. 09-0205, filed on April 9, 2009. Transferred to MDL, Docket No. 09-3618.

Harvey Barnes, et al v. Dutchmen Manufacturing, Inc., et al, filed on June 4, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3764.

Aimee L. Barrilleaux, et al v. Coahmen Industries, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3726.

Jessica B. Bastoe, et al v. Dutchmen Manufacturing, Inc., et al, filed on May 19, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3590.

Michael J. Battaglia, et al v. Destiny Industries, LLC, et al, filed on May 19, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3587.

Warren Bellazar, et al v. Gulf Stream Coach, Inc., et al, filed on June 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4108.

Alelia Benn, et al v. Fleetwood Enterprises, Inc., et al, filed on June 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4107.

April Benn, et al v. Fleetwood Enterprises, Inc., et al, filed on June 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4104.

Alvin Bergeron, et al v. Jayco Enterprises, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3719.

Michael Blaise, Sr., et al v. Fleetwood Enterprises, Inc., et al, filed on June 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4111.

Randy Borne, et al v. DS Corp., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3729.

Michael D. Boudreaux, et al v. Champion Homes Builders Co., et al, filed on May 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3561.

Michael D. Boudreaux, et al v. Dutch Housing, Inc., et al, filed on June 11, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3826.

Deanne Bowman, et al v. Gulf Stream Coach, Inc., et al, filed on June 9, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3808.

Stacy L. Braquet, et al v. Lakeside Park Homes, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3734.

Kristy L. Braud, et al v. Stewart Park Homes, Inc., et al, filed on June 11, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3827.

Betty A. Brignac, et al v. Hy-Line Enterprises, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3736.

Arthur Brown, et al v. Fleetwood Enterprises, Inc., et al, filed on June 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4110.

Gregory Brown, et al v. Crum & Forster Specialty Insurance Company, et al, filed on June 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3868.

Brittany A. Bruno, et al v. Athens Park Homes, LLC, et al, filed on June 19, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3948.

Brittany A. Bruno, et al v. ScotBilt Homes, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3724.

Earle Bryant, III, et al v. Crum & Forster Specialty Insurance Company, et al, filed on June 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3867.

Calvin Buras, et al v. Mitchell County Industries, LLC, et al, filed on May 22, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3629.

Jack Carrier, et al v. Gulf Stream Coach, Inc., et al, filed in the United States District Court for the Middle District of Louisiana, Docket No. 09-0201, filed on April 9, 2009. Transferred to MDL, Docket No. 09-3615.

Ernesto Cinco et, al v. Gulf Stream et, al, filed on April 9, 2009 in the United States District Court for the Middle District of Louisiana, Docket No. 09-206. Transferred to MDL, Docket No. 09-3619.

Terry Clausell, et al v. River Birch Homes, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3715.

Curtis Coleman, Sr., et al v. American International Specialty Lines Insurance Company, et al, filed on June 12, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3851.

Kendra Cook, et al v. Jayco, Inc., et al, filed on May 20, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3603.

Priscilla L. Cook, et al v. Skyline Corporation, et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3739.

Damon D. Daigre, et al v. Giles Family Holdings, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3721.

Windsor Dennis, et al v. Fleetwood Canada, Ltd., et al, filed on June 16, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4133.

Raymond L. Deogracias, et al v. Starcraft RV, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3732.

Damien Dillon, et al v. Forest River, Inc., et al, filed on May 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3557.

Bryce Doty, et al v. Sun Valley, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3722.

Judy Douglas, et al v. Oak Creek Homes, LP, et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3740.

Alison M. Dubreuil, et al v. Silver Creek Homes, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3725.

Gladys Dukes, et al v. Forest River, Inc., et al, filed in the United States District Court for the Middle District of Louisiana, Docket No. 09-0211, filed on April 13, 2009. Transferred to MDL, Docket No. 09-3621.

Michael S. Ermon, et al v. American Homestar Corporation, et al, filed on June 11, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3828.

Paul Fountain, et al v. United States of America, et al, filed in the United States District Court for the Western District of Louisiana, Docket No. 09-00466, filed on March 23, 2009. Transferred to MDL, Docket No. 09-3622.

Lisa M. Gagliano, et al v. Southern Energy Homes, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3716.

Edward Garran, et al v. Thor California, Inc., et al, filed on June 16, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4132.

Bonnie J. Gaudet, et al v. Lexington Homes, et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3737.

Anthony Graffeo, et al v. Keystone Industries, Inc., et al, filed on June 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4109.

Georgiana Grey, et al v. Frontier RV, Inc., et al, filed on June 16, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4135.

Betty Jacobs, et al v. Gulf Stream Coach, Inc., et al, filed on June 16, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4131.

Robert James, Jr., et al v. FRH, Inc., et al, filed on May 20, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3604.

Chatman Johnson, III, et al v. Layton Homes Corp., et al, filed on May 15, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3558.

Keshuna R. Jones, et al v. American International Specialty Lines Insurance Company, et al, filed on June 16, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4126.

Branden Karcher, et al v. Horton Homes, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3723.

Abdul Khan, et al v. Superior Homes, LLC, et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3717.

Sherna Lumar, et al. v. Jayco Enterprises, Inc., et al, filed on April 9, 2009 in the United States District Court for the Middle District of Louisiana, Docket No. 09-201. Transferred to MDL, Docket No. 09-3616.

Van Parker, et al v. Coachmen Industries, Inc., et al, filed on May 22, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3630.

Angela Patterson, et al v. Dutchmen Manufacturing, Inc., et al, filed on June 11, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3832.

William G. Penny, et al v. Fairmont Homes, Inc., et al, filed on May 19, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3591.

William G. Penny, et al v. Waverlee Homes, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3741.

Daryl L. Peterson, et al v. Palm Harbor Homes, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3718.

Antoine Prince, Sr., et al v. Liberty Insurance Corporation, et al, filed on June 18, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3922.

Joseph Quezergue, et al v. Jayco Enterprises, Inc., et al, filed on June 1, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3701.

Belinda Salande, et al v. CMH Manufacturing, Inc., et al, filed on May 19, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3592.

Ernestine Saul et, al v. Keystone RV Company et, al, filed on April 9, 2009 in the United States District Court for the Middle District of Louisiana, Docket No. 09-210. Transferred to MDL, Docket No. 09-3620.

Josephine Seaton, et al v. Recreation by Design, LLC, et al, filed on May 28, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3677.

Rayfield Shallowhorne, et al v. Lakeside Park Homes, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3746.

Carrie Smith, et al v. Recreation by Design, LLC, et al, filed on June 19, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3957.

Yolanda Stubbs, et al v. Stewart Park Homes, Inc., et al, filed on June 16, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-4134.

Michael Vaughn, et al v. Lakeside Park Homes, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3747.

Clarika Winding, et al v. Liberty Homes, Inc., et al, filed on June 3, 2009 in the United States District Court for the Eastern District of Louisiana, Docket No. 09-3735.

MISSISSIPPI:

Coleman Ruiz, et al v. Jayco, et al, filed in the United States District Court for the Southern District of Mississippi, Southern Division, Docket No. 09-3750.

Regina Morales, et al v. Alliance Homes, Inc., et al, filed on June 17, 2009 in the United States District Court for the Southern District of Mississippi, Hattiesburg Division, Docket No. 09-112.

II. PLAINTIFF FACT SHEETS (PFS)

The PSC still operates a central claims office located at 4731 Canal Street, New Orleans, Louisiana. PLC advises that it has delivered 5256 completed PFS to the Defendants to date.

The PSC to date has cured 1447 deficiencies cited by Defendants pursuant to PreTrial Order No. 2 (Doc No. 87). Pre-Trial Order No. 32 (Rec Doc. 1180) was entered on March 18, 2009 amending specific instructions and deadlines as found in Pre-Trial Order No. 2 (Rec. Doc. 87).

III. MOTION PRACTICE

The following Motions are pending:

Docket No. 1400	United States of America's Motion to Strike Jury Trial Request
Docket No. 1545	United States of America's Motion to Dismiss Plaintiffs' Remaining FTCA Claims for Lack of Subject Matter Jurisdiction
Docket No. 1557	Gulf Stream Coach, Inc.'s and Fluor Enterprises, Inc.'s Motion to Strike Certain Expert Witnesses

- Docket No. 1582 SunRay RV, LLC's Motion for Summary Judgment in the *Bauer* matter
- Docket No. 1613 United States of America's Motion for a Protective Order to Prevent Plaintiffs' Depositions of Patrick Preston and Mary Martinet
- Docket No. 1753 Gulf Stream Coach, Inc.'s Motion to Exclude the Testimony of Lila Laux in the *Age* matter
- Docket No. 1756 United States of America's Motion for a Protective Order to Prevent Plaintiffs' Deposition of Harvey E. Johnson, Jr., Former FEMA Deputy Administrator and Chief Operating Officer
- Docket No. 1759 PSC Motion for Protective Order Regarding FEMA's Disposition of Units
- Docket No. 1805 Motion for Protective Order Regarding Retesting of Plaintiff's Temporary Housing Unit by Forest River, Inc. and Shaw Environmental, Inc. in the *Wright* matter
- Docket No. 1811 Gulf Stream Coach, Inc.'s Rule 12(b)(6) Motion to Dismiss in the *Age* matter
- Docket No. 1813 PSC's Motion to Certify for Interlocutory Review Pursuant to 28 U.S.C. §1292(b) the Court's May 29, 2009 Order Dismissing Plaintiffs' Claims Based on Federal Preemption
- Docket No. 1820 Motion for Leave to File First Supplemental and Amended Complaint in the *Huckabee* matter
- Docket No. 1821 Plaintiffs' Motion to Compel Discovery in the *Age* matter
- Docket No. 1862 Plaintiffs Motion for Leave to File First Supplemental and Amended Complaint in the *Wright* matter.

IV. MOBILE HOUSING UNIT MANUFACTURERS SEPARATE "TRACK"

The PSC and the Non-Litigation Track defendants consistent with Pre Trial Order No. 24 (Doc. No. 1002) are on Non-Litigation Track and have submitted reports regarding efforts made by the parties to determine whether an amicable resolution of the claims is possible.

V. MATCHING PLAINTIFF TO DEFENDANT MANUFACTURER AND FEMA CONTRACTOR

PSC has issued written discovery that requests that the United States provide Plaintiffs with the vehicle identification number of the emergency housing units ("EHUs") that were issued to them by FEMA. PLC has instructed all Plaintiffs' counsel that to have their clients matched, the request for matching should: (1) be submitted in groups of approximately 500 claimants (or a lesser amount if the plaintiff counsel represents less than 500 persons); (2) include a list containing necessary search information in an Excel and PDF spreadsheet format; and (3) for each family of occupants, provide only the name of the head of household or adult family members – no children or other minors should be included. Information that the Plaintiffs' counsel should provide to the United States is the claimant's (a) full name; (b) FEMA ID Number; (c) social security number; (d) date of birth; (e) and address/State where EHU was installed. To extent Plaintiffs are aware of the bar code number assigned to their issued unit that information should also be provided to FEMA.

The United States has continued to process matching requests upon receipt and has issued responses to the matching requests within the time authorized by Federal Rules of Civil Procedure. The PLC continues to provide amendments to the initial request for matching as received from plaintiff counsel.

VI. BELLWETHER TRIALS

- A. The scheduled dates for the five trials remain:
1. September 14, 2009 (Doc. No. 1145-2);
 2. October 26, 2009 (Doc. No. 1145-3);
 3. December 7, 2009 (Doc. No. 1145-4);
 4. January 11, 2010 (Doc. No. 1145-5); and

5. May 17, 2010 (Doc. No. 1691).

B. The five Bellwether cases are as follows:

1. *Alana Alexander and Christopher Cooper v. Gulf Stream Coach, Inc., (Fluor and FEMA)* is scheduled for September 14, 2009.
2. PSC voluntarily dismissed *Shalahn Jenkins and Craig Jenkins, Sr. o/b/o Craig Jenkins, Jr. v. Fleetwood, Fluor and FEMA* and the Court has ordered that *Elisha Dubuclet on behalf of Timia Dubuclet v. Fleetwood Enterprises, Inc., et al* shall be substituted as the October 26, 2009 bellwether trial [Docket No. 1760].
3. *Lyndon Wright v. Forest River, Shaw and FEMA* is scheduled for December 7, 2009.
4. *Diana Bell v. Keystone, Shaw and FEMA* is scheduled for January 11, 2010.
5. *Carrie M. Smith's v. Recreation by Design, LLC, Shaw and FEMA* is scheduled for May 17, 2010.

C. The PSC has filed individual Complaints amending two of the five bellwether plaintiffs' Complaints and will file individual Complaints for the remaining three bellwether cases in the near future.

VII. SEVERANCE OF BELLWETHER PLAINTIFFS UNDER FRCP RULE 21

A. Bellwether Defendants request the Court sever the individual bellwether claims from their existing Petitions if necessary.

VIII. RECENT BANKRUPTCY ISSUES

A. Defendant Fleetwood Enterprises, Inc. filed a Chapter 11 bankruptcy proceeding on March 10, 2009 in the United States District Court for the Central District of California. *See* Rec. Doc. No. 1167 (Notice of Bankruptcy Filing by Fleetwood International, Inc.). On April 21, 2009, the bankruptcy court lifted the automatic stay permitting the second Bellwether trial, set for October 26, 2009 to proceed.

IX. MASTER DISCOVERY

A. General Discovery

1. PSC has served master discovery on Gulf Stream, Fleetwood, Forest River and Keystone. Written responses have been provided and parties are working on the approach to handling electronic discovery.
2. The United States has responded to PSC's initial written discovery and is continuing to respond to requests from PSC for matching information within the time allowed under the Federal Rules of Civil Procedure. PSC served the United States with additional requests for IA/Disaster files on June 5, 2009.
3. PSC has served written discovery on some of the Bellwether IA/TAC contractors.

B. Insurance Discovery

Primarily through 30(b)(6) depositions, the PSC will conduct discovery of the defendants' relevant information concerning insurance coverage for the matters at issue in this litigation. The PSC contemplates that such discovery will proceed as a separate "Insurance Coverage Discovery Track" simultaneously with the General Discovery Track.

C. Gulf Stream Coach, Inc. Bellwether Trial

1. Plaintiffs, Gulf Stream Coach, Inc. and United States' Fed. R. Civ. P. 26 experts have all issued written reports. Fluor Enterprises, Inc. will issue its Fed. R. Civ. P. 26 expert reports on or before July 1, 2009.
2. On July 1, 2009, the parties will exchange will call/may call witness lists and exhibit lists.
3. Discovery is scheduled to be completed on July 24, 2009. However, although parties have exercised due diligence, because of tight scheduling deadlines and difficulty scheduling dates for experts' depositions, as well as belated disclosure of Fluor Enterprises, Inc.'s experts, the parties may require an extension of the July 24, 2009 deadline to complete depositions of several experts whose deposition cannot be taken prior to the close of discovery.
4. PSC on June 23, 2009, deposed CDC/ATSDR Public Health Service Officer, Commander Joseph Little. PSC are scheduled to depose Mr. David Garratt (FEMA), Mr. David Porter (former FEMA), Mr. Bryan McCreary, and Mr. Stephen Miller on July 6-9, 2009, and Mr. Kevin Souza and Mr. Martin McNeese during the week of July 13, 2009.

D. Discovery Other Bellwether Trials

1. The parties have commenced discovery in some cases.
2. Motions have been filed by Defendants in the Fleetwood Enterprises, Inc. and Forest River, Inc. bellwether trials to address the parties' dispute regarding nature and scope of inspection and testing of trailers.

3. PSC is scheduled to conduct the Rule 30(b)(6) deposition of Fleetwood Enterprises, Inc. on Thursday, June 25, 2009, in Riverside, CA.

IX. NOTICE OF PUBLICATION

Pursuant to the Court's Order (Doc. No. 1190), the parties (PSC, Manufacturing Defendants and Government) placed a notice to the residents in the following publications:

Galveston County Daily News, Galveston, TX

Houston Chronicle, Houston, TX

The Advocate, Baton Rouge, LA

Times-Picayune, New Orleans, LA

Daily Advertiser, Lafayette, LA

American Press, Lake Charles, LA

The Sun Herald, Gulfport, MS

Press-Register, Mobile, AL

PSC will issue an invoice to the United States for its share of the costs in the near future.

X. MISCELLANEOUS

A. The Liaison and Government Counsel submitted to the Court a draft Jury Questionnaire Form and proposed Jury Verdict Form for the *Age* trial.

B. The Court has instructed PLC and Government Counsel to confer and submit to the Court on or before Monday, June 29, 2009, a proposed Standing Order to address newly filed lawsuits that fail to match and assert claims against an unidentified manufacturer or Individual Assistance/Technical Assistance Contractor ("IA/TAC"). If an agreement cannot be reached, motion practice on this point may be necessary.

C. The United States urges the Court and parties to reconsider their positions regarding entry of a *Lone Pine* type Order. The United States believes that entry of such an Order will substantially facilitate the orderly management and facilities resolution of this litigation.

D. PLC informed the United States on June 24, 2009, that Fleetwood Enterprises, Inc., Bellwether Plaintiff Dubuclet may have filed suit against the United States without having first exhausted her administrative remedies. It appears that Ms. Dubuclet filed her FTCA administrative claim on October 16, 2008, and on January 21, 2009, filed suit against the United States. The United States is attempting to ascertain whether a denial letter was issued to Ms. Dubuclet between October 16, 2008, and January 21, 2009, and if not, the Court lacks jurisdiction over her FTCA claims. If the Court lacks jurisdiction because Ms. Dubuclet filed suit prematurely, in all likelihood PSC will dismiss claims against the United States and refile because it does not appear that the FTCA six-month statute of limitation has expired. PSC and United States are hopeful that we will be able to provide the Court with a more definitive report regarding this matter at the scheduled Chambers Conference/Status Conference scheduled for Friday, June 26, 2009 regarding what action, if any PSC will take in regards to this matter.

E. To reduce burden on Clerk of Court and reduce number of filings, the United States requests that the Court and parties to consider requiring each named Defendant to file a list of all Rule 12(b)(1), 12(b)(6), and Affirmative Defenses that may apply to any cases consolidated in this MDL action, and that the Court enter an Order that makes these lists applicable to any newly filed action. This would take the place of each Defendant filing a separate essentially duplicative Notice of Defenses for each newly filed case. *See e.g.*, Notice of Preservation of Defenses under Rule 12(b) [Docket No. 1638 and 1643].

The United States also requests that the Court and parties consider that for purposes of this litigation the Clerk forgo filing notice of "Summons Returned Executed." See *e.g.*, Summons [Docket No. 1532].

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