

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  
Case No. 08-4630

**ORDER AND REASONS**

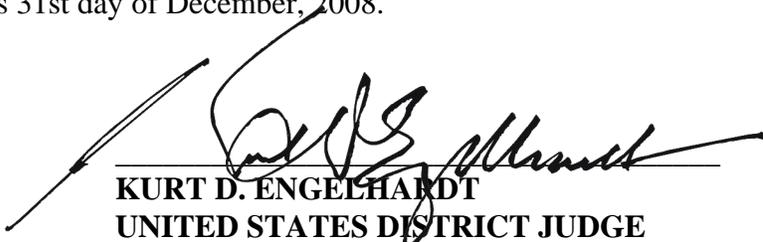
Local Rule 7.5E of the Eastern District of Louisiana requires that a memorandum in opposition to a motion be filed and that a copy be delivered to chambers eight days prior to the date set for hearing of the motion. No memorandum in opposition to the Motion to Dismiss on Behalf of Amercian Homestar and Oak Creek Homes, LP (Rec. Doc. 987), set for hearing on December 31, 2008, was filed. Further, it appears to the Court that this motion has merit. Accordingly,

**IT IS ORDERED** that the **Motion to Dismiss on Behalf of Amercian Homestar and Oak Creek Homes, LP (Rec. Doc. 987)** should be and is hereby **GRANTED**. Thus, Plaintiffs' claims against Defendants American Homestar Corporation, Oak Creek Homes, LP, and Oak Creek Homes, Inc. are dismissed without prejudice.

A motion for reconsideration of this Order, if any, must be filed within ten 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 31st day of December, 2008.



**KURT D. ENGELHARDT**  
**UNITED STATES DISTRICT JUDGE**