

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

TRIAL V SCHEDULING ORDER

Carrie M. Smith v. Recreation By Design, LLC, et al

A Preliminary conference was held on **May 22, 2009**. Participating were:

For Plaintiff's Liaison Counsel: Gerald Meunier and Justin Woods

For Defendant's Liaison Counsel: Andrew D. Weinstock and Joe Glass

For Contractor Defendant's: Michael David Kurtz

For United States of America/FEMA: Adam M. Dinnell and John Adam Bain

All pre-trial motions, including dispositive motions, shall be filed no later than **March 18, 2010 (60 days prior to Trial Date)**.

All motions in limine and Daubert motions shall be filed no later than the day the pre-trial order is due: **April 30, 2010 (6 days prior to Final Pre-trial Conference Date)**.

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 **March 18, 2010 (60 days prior to the Trial Date)**.

Amendments to pleadings, third-party actions, cross-claims and counter-claims shall

be filed no later than **July 6, 2009** (45 days from the date of the Preliminary Conference).

Counsel adding new parties subsequent to mailing of this Notice shall serve on each new party a copy of this Minute Entry. Pleadings responsive thereto, when required, shall be filed within the applicable delays therefor.

Written discovery (except the production of the FEMA IA File) specific to this case may commence on or after **July 1, 2009**. Depositions specific to this case may commence on or after **September 1, 2009**.

Testing of the subject unit (if the unit is available) may take place at any time after suit in this case has been filed. The Plaintiff will complete testing of the subject unit (if the unit is able to be located) no later than **December 22, 2009**. Defendants shall complete testing of the subject unit (if the unit is able to be located) no later than **January 21, 2010**.

Written reports of experts, as defined by Federal Rules of Civil Procedure 26(a)(2)(B), who may be witnesses for plaintiff fully setting forth all matters about which they will testify and the basis therefor shall be obtained and delivered to counsel for defendant as soon as possible, but in no event later than **January 6, 2010** (120 days prior to Final Pre-trial Conference 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 therefor shall be obtained and delivered to counsel for plaintiff as soon as possible, but in no event later than **February 5, 2010** (90 days prior to Final Pre-trial Conference Date).

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 **February 5, 2010** (90 days prior to the Final Pre-trial Conference Date).

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 Minute Entry 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. 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.

Plaintiff shall issue Pre-Trial Order to all parties no later than **April 23, 2010**.

Defendant Manufacturers shall insert their additions to the Pre-Trial Order and circulate no later than **April 28, 2010**.

United States shall insert its additions to the Pre-Trial Order and circulate no later than **April 29, 2010**.

IA/TAC Contractor Defendants shall insert their additions to the Pre-Trial Order and circulate no later than **April 30, 2010**.

Final Pre-Trial Order shall be delivered to the Court no later than **May 4, 2010**.

A final pre-trial conference will be held before the District Judge on **May 6, 2010 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.

Trials will commence during the week beginning **May 17, 2010 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** day(s).

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 records 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 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 to Section "N", upon arriving, and pick them up when you have complete 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 DOCUMENT THAT ARE FILED WITH THIS COURT.

New Orleans, Louisiana, this 4th day of June, 2009.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE