

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
Member Case No. 07-9228

ORDER

The Court has received and reviewed the Opposed Motion for Leave to File Third Supplemental and Amending Complaint (Rec. Doc. 2006) and the Defendant United States of America's Response in Opposition thereto (See Rec. Doc. 2051). In connection with this motion, the Court propounds the following additional question and requests further briefing thereon:

Does jurisprudence support the allowance of this amendment as to the bellwether plaintiff's FTCA claims against the Government based on the fact that there is standing (i.e., a jurisdictional basis) for other plaintiffs' claims in this member case against non-governmental defendants and because certain plaintiffs in this member case have properly brought administratively-exhausted claims against the Government? In other words, do the cases that call for dismissal of prematurely-filed FTCA claims relate only to actions where there is no other jurisdictional basis for maintaining the suit after the prematurely-filed FTCA claims are

dismissed?

Considering the foregoing, **IT IS ORDERED** that **on or before Tuesday, July 14, 2009**, **the interested parties shall submit supplemental** memoranda to the Court on this issue. The supplemental memoranda shall cite to appropriate case law and shall not exceed four pages in length.

New Orleans, Louisiana, this 9th day of July, 2009.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE