

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: FEMA TRAILER
FORMALDEHYDE PRODUCTS
LIABILITY LITIGATION

MDL NO. 07-1873

SECTION "N" (5)

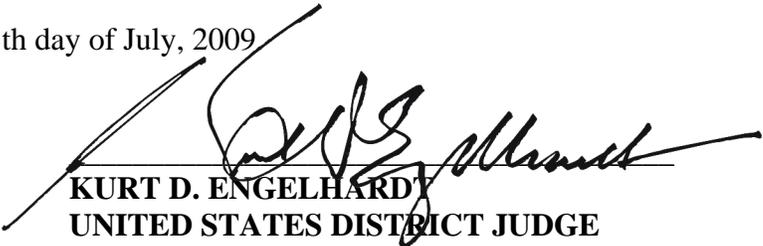
THIS DOCUMENT RELATES TO
ALL CASES

ORDER AND REASONS

Before the Court is the 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 (Rec. Doc. 1813). After considering the memoranda of the parties and the applicable law, the Court concludes that the PSC has demonstrated that the matter involves (1) a controlling question of law, (2) as to which there is substantial ground for difference of opinion, and (3) an immediate appeal from the order would materially advance the ultimate termination of the litigation. See 28 U.S.C. § 1292(b). See also *Complaint of L.L.P. & D. Marine, Inc.*, 1998 WL 66100, at *1 (E.D.La. Feb.13, 1998) (holding that the movant bears the burden of satisfying all of these criteria). Accordingly,

IT IS ORDERED the 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 (Rec. Doc. 1813) is **GRANTED**.

New Orleans, Louisiana, this 13th day of July, 2009


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE