

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. 09-8457

**ORDER AND REASONS**

Local Rule 7.5 of the Eastern District of Louisiana requires that a memorandum in opposition to a motion be filed eight days prior to the noticed submission date. No memoranda in opposition to the Motion to Dismiss With Prejudice for Failure to Comply with Pre-Trial Order No. 32 Relating to Plaintiffs Fact Sheets (Rec. Doc. 21941), set for submission on June 29, 2011, was filed. Further, it appears to the Court that this motion (along with the Supplemental Memorandum in Support of Motion to Dismiss (Rec. Doc. 22105) has merit. Accordingly,

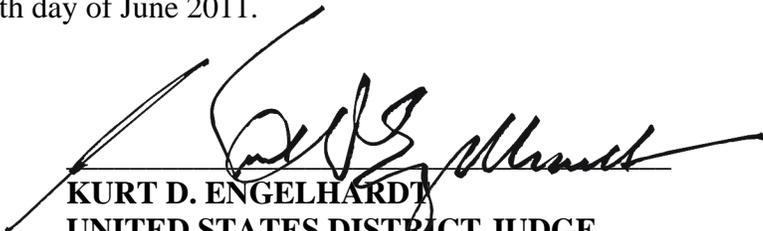
**IT IS ORDERED** that the **Motion to Dismiss With Prejudice for Failure to Comply with Pre-Trial Order No. 32 Relating to Plaintiffs Fact Sheets (Rec. Doc. 21941)** is hereby **GRANTED**, dismissing the claims of the plaintiff in this suit, *Christopher Paul*, with prejudice. Notably, per Rec. Doc. 22105, Defendant no longer seeks the dismissal of Plaintiff Lillie Favre's claims.

**IT IS FURTHER ORDERED** that counsel should refer to and familiarize themselves

with Pretrial Order No. 10, ¶¶ (1) and (2) (Rec. Doc. 301), to the extent such rules are applicable to this particular instance.

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 29th day of June 2011.

  
KURT D. ENGELHARDT  
UNITED STATES DISTRICT JUDGE