

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. 09-8625

**ORDER AND REASONS**

Before the Court is the "Plaintiffs' Motion for Leave to File First Supplemental and Amended Complaint," seeking to add plaintiffs Jerry Bennett and Joyce Bennett as named plaintiffs in this case against defendants Recreation By Design, LLC ("RBD") and Fluor Enterprises, Inc. (Rec. Doc. 20646). Defendant RBD has filed a "Notice of No Objection Subject to a Reservation of Rights" (Rec. Doc. 22851), in which RBD states that it does not oppose the instant motion, subject to a full reservation of rights on behalf of RBD to raise any and all defenses and/or exceptions, including but not limited to, prescription. No other memoranda in response to the instant motion was filed by any party.

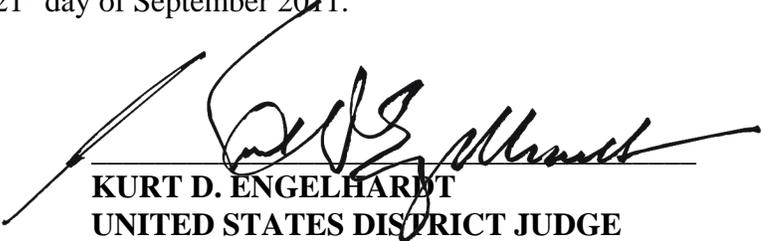
Local Rule 7.5 of the Eastern District of Louisiana requires that a memorandum in opposition to a motion be filed eight days prior to the noticed submission date. Considering that no memoranda in opposition to "Plaintiffs' Motion for Leave to File First Supplemental and Amended Complaint," (Rec. Doc. 20646), noticed for submission on September 21, 2011, was filed; and considering that defendant RBD has filed a "Notice of No Objection Subject to a

Reservation of Rights” (Rec. Doc. 22851), as described above; and it further appearing to the Court that this motion has merit; accordingly,

**IT IS ORDERED** that **“Plaintiffs’ Motion for Leave to File First Supplemental and Amended Complaint,” (Rec. Doc. 20646)** is hereby **GRANTED**, allowing plaintiffs to file the First Supplemental and Amending Complaint for Damages, subject to a full reservation of rights on behalf of RBD to raise any and all defenses and/or exceptions, including but not limited to, prescription.

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 21<sup>st</sup> day of September 2011.



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