

A CERTIFIED TRUE COPY
ATTEST
By Mecca Thompson at 1:19pm, Oct 24, 2007
FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
FILED OCT 24 2007
LORETTA G. WHYTE
CLERK
UNITED STATES JUDICIAL PANEL

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

1:19 pm, Oct 24, 2007

FILED
CLERK'S OFFICE

on
MULTIDISTRICT LITIGATION

IN RE: FEMA TRAILER FORMALDEHYDE
PRODUCTS LIABILITY LITIGATION

MDL No. 1873

TRANSFER ORDER

Before the entire Panel¹: Plaintiffs in one action pending in the Eastern District of Louisiana have moved, pursuant to 28 U.S.c. § 1407, to centralize this litigation for coordinated or consolidated pretrial proceedings in the Eastern District of Louisiana. All plaintiffs in the other actions now before the Panel as well as plaintiff in an Eastern District of Louisiana potential tag-along action support this motion. Responding defendants] oppose centralization; if the Panel deems centralization appropriate, they support selection of the Eastern District of Louisiana as transferee district.

This litigation presently consists of four actions listed on Schedule A and pending in two districts as follows: three actions in the Eastern District of Louisiana and one action in the Western District of Louisiana.²

On the basis of the papers filed and hearing session held, we find that the actions in this litigation involve common questions of fact, and that centralization under Section 1407 in the Eastern District of Louisiana will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. All actions share factual questions relating to allegations that trailers - provided by the Federal Emergency Management Agency in the wake of Hurricanes Rita and Katrina - contain materials which emit dangerous, excessive levels of formaldehyde. Centralization under Section 1407 will eliminate duplicative discovery; avoid inconsistent pretrial rulings, especially with respect to class certification; and conserve the resources of the parties, their counsel and the judiciary.

We further find that the Eastern District of Louisiana is an appropriate transferee district for this

Judge Heyburn took no part in the disposition of this matter.

Fleetwood Enterprises, Inc.; Fleetwood Canada, Ltd.; Gulf Stream Coach, Inc.; Jayco Enterprises, Inc.; Pilgrim International, Inc.; Starcraft RV, Inc.; and Thor Industries, Inc.

² The Panel has been notified that five other related actions have recently been filed as follows: four actions in the Eastern District of Louisiana and one action in the Middle District of Louisiana. These actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

Fee _____
Process _____
X Dkt'd _____
Clerk Dep _____
Dec. No _____

IN RE: FEMA TRAILER FORMALDEHYDE
PRODUCTS LIABILITY LITIGATION

MDLNo.1873

SCHEDULE A

EDLA
SEC.N/4

Eastern District of Louisiana

Keith Hillard, et al. v. United States of America, et al., C.A. No. 2:06-2576
Decarlo McGuire, et al. v. Gulf Stream Coach, Inc., et al., C.A. No. 2:06-5659
Robin Oldenburg, et al. v. United States of America, et al., C.A. No. 2:07-2961

Western District of Louisiana


Kimberly G. Nelson, etc. v. Gulf Stream Coach, Inc., et al., C.A. No. 6:07-921

07-7494

litigation, because (1) three of the four actions now before the Panel and four potential tag-along actions are currently pending in this district, and (2) all parties agree, at least in the alternative, that the Eastern District of Louisiana is an appropriate transferee district for this litigation.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.c. § 1407, the action listed on Schedule A and pending in the Western District of Louisiana is transferred to the Eastern District of Louisiana and, with the consent of that court, assigned to the Honorable Kurt D. Engelhardt for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

PANEL ON MULTIDISTRICT LITIGATION



Lowell Jensen
Acting Chairman

John G. Heyburn II, Chairman'
Robert L. Miller, Jr.
David R. Hansen

J. Frederick Motz
Kathryn H. Vratil
Anthony J. Scirica

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Judge D. Lowell Jellsen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

Jeffery N. Liithi
Clerk of the Panel
One Columbus Circle, NE
The Tlood Marshall Federal
Judie Dry Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: 12121 502-2800
Fax: 12021 502-2888
<http://www.jpnl.uscourts.gov>

October 24, 2007

Loretta G. Whyte, Clerk
U.S. District Court
500 Poydras Street
Room C-151
New Orleans, LA 70130

Re: MDL No. 1873 -- IN RE: FEMA Trailer Formaldehyde Products Liability Litigation

Dear Ms. Whyte:

Attached as a separate document is a certified copy of a transfer order issued today by the Judicial Panel on Multidistrict Litigation in the above-captioned matter. The order is directed to you for filing. Rule 1.5 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 428 (2001), states "A transfer or remand pursuant to 28 U.S. C. § 1407 shall be effective when the transfer or remand order is filed in the office of the clerk of the district court of the transferee district."

Today we are also serving an information copy of the order on the transferor court(s). The Panel's governing statute, 28 U.S.C. § 1407, requires that the transferee clerk "transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred [transferor court]."

Rule 1.6(a), pertaining to transfer of files, states "the clerk of the transferor district court shall forward to the clerk of the transferee district court the complete original file and a certified copy of the docket sheet for each transferred action." With the advent of electronic filing, many transferee courts have found that it is not necessary to request the original file. Some transferee courts will send their certified copy of the Panel order with notification of the newly assigned transferee court case number and inform the transferor courts that they will copy the docket sheet via PACER. Others may request a certified copy of the docket sheet and a copy of the complaint (especially if it was removed from state court). You should be specific as to the files you would like to receive from the transferor courts and if no files will be necessary, you should make that clear. Therefore, Rule 1.6(a) will be satisfied once a transferor court has complied with your request.

You may find Chapter 7 of Volume 4 of the Clerks Manual, United States District Courts helpful in managing the your MDL docket.

The Panel Clerk's Office maintains the only statistical accounting of multidistrict litigation traffic in the federal courts. These statistics are used by the Administrative Office of the United States Courts and the Judicial Conference. Therefore, your cooperation in keeping the Panel advised of the progress of this litigation would be appreciated. We are particularly interested in receiving the docket numbers assigned to each transferred action by your court; the caption and docket numbers of all actions originally filed in your district; and copies of orders regarding appointment of liaison counsel, settlements, dismissals, state court remands, and reassignments to other judges in your district.


Your attention is also directed to Panel Rule 7.6, regarding termination and remand of transferred actions. Upon notification from your court of a finding by the transferee judge suggesting to the Panel that Section 1407 remand of a transferred action is appropriate, this office will promptly file a conditional remand order.

Attached to this letter, for your information, is a copy of the Panel Attorney Service List. Listed below is the transferor clerk information:

Robert H. Shemwell, Clerk
2100 U.S. Courthouse
800 Lafayette Street
Lafayette, LA 70501
MDLClerk@lawd.uscourts.gov

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By 
Mecca S. Thompson
Deputy Clerk

Attachments (Transfer Order is a Separate Document)

cc: Transferee Judge: Judge Kurt D. Engelhardt
Chief Judge Transferee District: Judge Helen G. Berrigan
Judge Martin C. Feldman

Judicial Panel on Multidistrict Litigation - Panel Attorney Service List
for
MDL 1873 - IN RE: FEMA Trailer Formaldehyde Products Liability Litigation

*** Report Key and Title Page ***

Please Note: This report is in alphabetical order by the last name of the attorney. A party may not be represented by more than one attorney. See Panel rule 5.2(c).

Party Representation Key

- * Signifies that an appearance was made on behalf of the party by the representing attorney.
 - # Specified party was dismissed in some, but not all, of the actions in which it was named as a party.
- All counsel and parties no longer active in this litigation have been suppressed.

This Report is Based on the Following Data Filters

Docket: 1873 - FEMA Trailer Formaldehyde PL

For Open Cases

Docket: 1873 - IN RE: FEMA Trailer Formaldehyde Products Liability Litigation

Status: Transferred on 10/24/2007

Transferee District: LAE Judge: Engelhardt, Kurt D.

Printed 011 J0/2412007

ATTORNEY-FIRM

REPRESENTED PARTY(S)

Barrios, Gerardo R,

=> Phone: (985) 819-8416 Fax: (985) 819-6716

Baker, Donelson, Bearman, Caldwell & Berkowitz

CH2M Hill Constructors, Inc,*; Shaw Environmental, Inc,-

3 Sanctuary Blvd

Suite 201

Mandeville, LA 70471

Becnel, Jr, Daniel E.

=> Phone: (985) 536-1186 Fax: (985) 536-6445 Email: dbecnel@becnellaw.com

Becnel Law Firm, LLC

McDonald, Cindy; Oldenburg, Robin; Sicard, Austin

106 West Seventh Street

P.O Drawer H

Reserve, LA 70084

Black, Brandon K.

=> Phone: (225) 248-2128 Fax: (225) 248-3128

Jones, Walker, Waechter, et at

Fluor Enterprises, Inc.'

8555 United Plaza Boulevard

5th Floor

Baton Rouge, LA 70809

Dominick, Paul A.

=> Pholle: (843) 577-9440 Fax: (843) 720-1777

Nexsen Pme\, LLC

Bordelon, Amy L.*; Carter (Ind./Legal Guardian-April & William, Jr.), Betty'; Hillard (Ind./Legal Guardian-Gabriell, Keith, Jr' Christopher & Cydney), Keith*; Hillard (Ind./Legal Guardian-Gabriell, Keith, Jr., Christopher & Cydney), Lisa*; Lusich (Ind./Legal Guardian-Summer & Lacey), EmmeU; Lusich (Ind./Legal Guardian-Summer & Lacey), Jenny*

205 King Street

Suite 400

PO Box 486

Charleston, SC 29401

Forest River,

Forest River, Inc.

1025 East Waterford Street

Wakarusa, IN 46573

Garrison, Lyon H.

=> Phone: (504) 527-0680 Fax: (504) 527-0686

Preston Law Firm, LLP

Recreation By Design, LLC'

909 Poydras Street

Suite 2400

New Orleans, LA 70112

Gieger, Jr., Ernest P.

=> Phone: (504) 561-0400 Fax: (504) 561_1011

Gieger, Laborde & Laperouse, LLC

Forest River, Inc.'

One Shell Square

701 Poydras Street

Suite 4800

New Orleans, LA 70139-4800

Johnson, Ryan Estes

=> Pholle: (225) 248-2000 Fax: (225) 248_3080

Jones, Walker, Waechter, etaL

Jayco Enterprises, Inc,*; Pilgrim International, Inc.*; Starcraft RV, Inc.'; Thor Industries, Inc.*

Four United Plaza

8555 United Plaza Boulevard

5th Floor

Baton Rouge, LA 70809-7000

ATTORNEY - FIRM

REPRESENTED PARTY(S)

Lipsey, Christine
McGlinchey Stafford, PLLC
One American Street
14th Floor
Baton Rouge, LA 70825

=> Phone: (225) 383-9000 Fax: (225) 343-3076
Morgan Buildings & Spas, Inc.*

O'Brien, ThomasG,
Adams & Reese, LLP
One Shell Square, Suite 4500
701 Poydras Street
New Orleans, LA 70139

=> Phone: (504) 585-0309 Fax: (504) 566-0210
Keta Group, LLC'

Rodney, Jr, Roy J.
Rodney & Eller
620 North Carrollton Avenue
New Orleans, LA 70119

=> Phone: (504) 483-3224 Fax: (504) 483-2259
McGuire, Decarlo'; Nelson (Behalf-Baleigh & Griffin Champagne), Kimberly G, '; Rodney, Kevin';
Stevenson, Jr., Dr, Marshall J'; Stevenson, Lynda Ward'

Saporito, Jerry L.
Saporito Law Firm, LLC
639 Loyola Avenue
Suite 2100
New Orleans, LA 70113

=> Phone: (504) 529-5070 Fax: (504) 529-5434
Fleetwood Canada, Ltd.'; Fleetwood Enterprises, Inc.*

Scandurro, Timotby D.
Scandurro & Layrisson, LLC
607 St. Charles Avenue
New Orleans, LA 70130

=> Phone: (504) 522-7100 Fax: (504) 529-6199
Gulf Strewn Coach, Inc'

Snead, Jacqueline E.C.
U.S. Dept. of Justice - Federal Programs Branch-
20 Massachusetts Avenue N.W
Room 7214
Washington, DC 20530

=> Phone: (202) 514-3418
Federal Emergency Management Agency, United States of America

Starcraft,
P.O. Box 458
Tospeka, IN 46571

=>
Starcraft

Tharp, John S.
Taylor, Porter, Brooks & Phillips
PO. Box 2471
451 Florida Street, 8th Floor
Baton Rouge, LA 70821-2471

=> Phone: (225) 387-3221 Fax: (225) 346-8049
Coachman Industries, Inc''

Thoroughbred Industries,
6902 Brackenwood Court
Fort Wayne, IN 46835

=>
Thoroughbred Industries

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge John G. Heyburn II
United States District Court
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Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

Judge Anthony J. Scirica
United States Court of Appeals
Third Circuit

DIRECT REPLY TO:

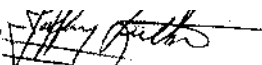
Jeffery N. Luthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-2SS, North Lobby
Washington, D.C. 20002

Telephone: /202/502.2800
Fax: 202 502.2888
<http://www.jpml.uscourts.gov>

October 23, 2007

MEMORANDUM

To: Clerks, United States District Courts

From: Jeffery N. Luthi C: 

RE: TEST EMAIL TRANSMITTAL OF PANEL TRANSFER ORDERS (ACTION REQUESTED)

As you know, the Panel is about to begin transmitting its orders via email. Thank you for providing us with a general JPML email address for your district court. To start off, we will email the initial transfer orders for new matters from the Panel's September 2007 hearing session. We have, in fact, already emailed several of the transfer orders. We anticipate emailing other types of Panel orders in the coming months.

Today, we will send a test email to confirm that we have entered each court's general email address accurately. [If you do not receive our test email by close of business today, please contact the Panel's office as soon as possible via email at MDLPanelOrders@ao.uscourts.gov and indicate the correct email address for your district court. It is not necessary to confirm successful receipt of our test email.

Thank you again for your cooperation as we move to implement our new notification procedures. If you have any questions, feel free to contact me or Cathy Maida, the Panel's Chief Deputy Clerk, at 202-502-2800.