

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. 09-5847

**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 for Failure to Comply with Pre-Trial Order Nos. 2, 32 and 88 Relating to Plaintiff Fact Sheets," filed by defendant Recreation By Design, LLC (Rec. Doc. 23080), noticed for submission on November 2, 2011, was filed. Further, it appears to the Court that this motion has merit. Accordingly,


**IT IS ORDERED** that the "Motion to Dismiss for Failure to Comply with Pre-Trial Order Nos. 2, 32 and 88 Relating to Plaintiff Fact Sheets" (Rec. Doc. 23080), filed by defendant Recreation By Design, LLC, is hereby **GRANTED**, dismissing with prejudice the claims of the plaintiffs Ora Brock and Ora Brock on behalf of Lionel Brock.

**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 twenty-eight 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 2<sup>nd</sup> day of November 2011.



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