

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 cases 09-2977

ORDER AND REASONS

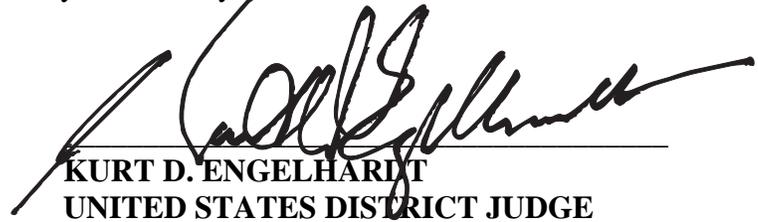
No memorandum in opposition to Plaintiff's Motion for Partial Summary Judgment with Respect to a Certain Affirmative Defense of Shaw Environmental, Inc. (Rec. Doc. 10942) was filed. The undersigned has previously instructed that oppositions to dispositive motions, relating to the upcoming bellwether trial, be filed on or before February 12, 2010. Further, it appears to the Court that this motion has merit. Accordingly,

IT IS ORDERED that the **Plaintiff's Motion for Partial Summary Judgment with Respect to a certain Affirmative Defense of Shaw Environmental, Inc. (Rec. Doc. 10942)** is hereby **GRANTED**. Accordingly, Plaintiff is hereby granted summary judgment as to Shaw Environmental, Inc.'s thirteenth affirmative defense.

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 23rd day of February 2010.



KURT D. ENGELHART
UNITED STATES DISTRICT JUDGE