

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. 09-2977

**ORDER AND REASONS**

Before the Court is Shaw Environmental, Inc.'s Motion for Partial Summary Judgment Regarding Failure to Warn (Rec. Doc. 10946). In this motion, Shaw Environmental, Inc. ("Shaw") requests that this Court dismiss Plaintiff Lyndon T. Wright's failure to warn claim.

After considering the memoranda of the parties and the applicable law, and on the showing made, the Court is not comfortable with granting summary judgment on this issue at this time. There are genuine issues of material fact involving, *inter alia*, whether Shaw had a duty to identify and warn of potential problems relating to formaldehyde in the EHUs, and whether and to what extent Shaw and FEMA knew of the formaldehyde dangers in the EHUs. However, at the conclusion of Plaintiff's case at trial, Shaw may, if it deems appropriate, avail itself of the proper motion under Rule 50 of the Federal Rules of Civil Procedure. Accordingly,

**IT IS ORDERED** that **Shaw Environmental, Inc.'s Motion for Partial Summary Judgment Regarding Failure to Warn (Rec. Doc. 10946)** is **DENIED**.

New Orleans, Louisiana, this 4th day of March, 2010.

  
KURT D. ENGELHARDT  
UNITED STATES DISTRICT JUDGE