

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  
ALL CASES

**ORDER AND REASONS**

Before the Court is Fluor Enterprises, Inc.'s Motion for Partial Judgment on the Pleadings to Dismiss Louisiana Products Liability Claims in the Third and Fourth Supplemental and Amended Administrative Master Complaints (Rec. Doc. 13423).<sup>1</sup> This motion was opposed. (See Rec. Doc. 13821). The Court notes that it has addressed similar issues presented in the context of a Motion to Dismiss (see Order and Reasons at rec. Doc. 1324) and a Motion for Summary Judgment (see Order and Reasons at Rec. Doc. 3217), both of which were specific to the *Aldridge* matter (member case 07-9228). The Court sees no reason to re-visit the issues previously raised and addressed in the context of the *Aldridge* matter. Accordingly,

**IT IS ORDERED** that, for the same reasons as expressed in the Order and Reasons at Rec. Doc. 1324, **Fluor Enterprises, Inc.'s Motion for Partial Judgment on the Pleadings to Dismiss**

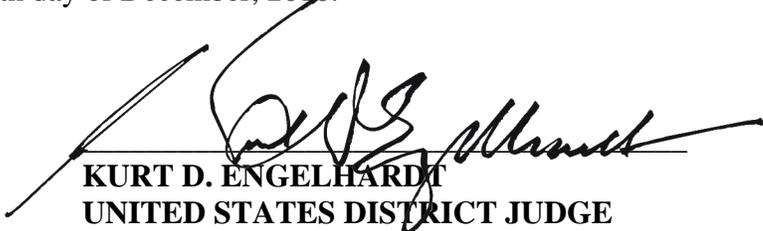
---

<sup>1</sup> This motion was joined in by Del-Jen, Inc. (IA-TAC contractor according to Rec. Doc. 7688 ¶5(f)), Project Resources, Inc. ((IA-TAC contractor according to Rec. Doc. 7688 ¶5(e)), and PRI/DJI (IA-TAC contractor according to Rec. Doc. 7688 ¶5(g)) (Rec. Doc. 17404) and by MLU Services, Inc. (IA-TAC contractor according to Rec. Doc. 7688 ¶5(c)) (Rec. Doc. 17748).

**Louisiana Products Liability Claims in the Third and Fourth Supplemental and Amended Administrative Master Complaints (Rec. Doc. 13423)** is **DENIED**. While the Court eventually granted the IA-TAC's motion on this issue in *Aldridge*, it did so, in part, by relying on Rule 56 evidence presented in connection with that motion. (See Rec. Doc. 3217, pp. 5-6). On the pleadings alone, the Court is in no position to grant an across-the-board dismissal of the LPLA against Fluor or against any of the other IA-TAC contractors who joined in this motion.

**IT IS FURTHER ORDERED** that **CH2M Hill Constructor, Inc's and Shaw Environmental, Inc.'s Joint Rule 12(b)(6) Motion to Dismiss Plaintiffs' Louisiana Product Liability Claims in the Third and Fourth Supplemental and Amended Administrative Master Complaints (Rec. Doc. 13425)** is **DENIED** for the same reasons as set forth above.

New Orleans, Louisiana, this 6th day of December, 2010.



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