

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. 09-4610

ORDER AND REASONS

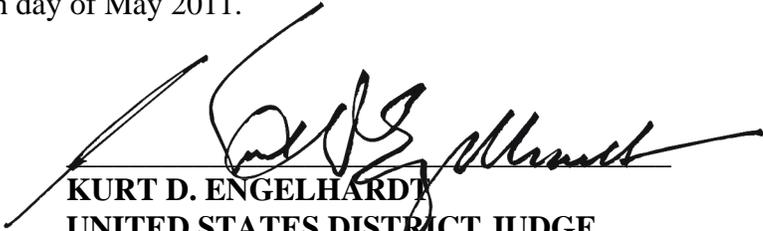
Local Rule 7.5 of the Eastern District of Louisiana requires that a memorandum in opposition to a motion be filed and served eight days prior to the noticed submission date. No memorandum in opposition to the "Motion to Dismiss With Prejudice for Failure to Comply With Pre-Trial Order No. 32 Relating to Plaintiffs Fact Sheets" (Rec. Doc. 20749), set for hearing on May 4, 2011, was filed. Further, it appears to the Court that this motion has merit. Accordingly,

IT IS ORDERED that the "Motion to Dismiss With Prejudice for Failure to Comply With Pre-Trial Order No. 32 Relating to Plaintiffs Fact Sheets" (Rec. Doc. 20749) should be and is hereby **GRANTED**. Thus, the claims of Ashley White, Joshua White, Geraldo Perez, and Maria Miranda, plaintiffs in *Katie Alexis Babineaux v. Pilgrim International Inc.*, et al, No. 09-4610, are hereby **DISMISSED** with prejudice, for their failure to comply with Pre-Trial Order No. 32.

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 5th day of May 2011.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE