

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. 10-2279

ORDER AND REASONS

Before the Court is a Motion to Dismiss with Prejudice for Failure to Comply with Pre-Trial Order No. 32 Relating to Plaintiff Fact Sheets, filed by defendant Morgan Building Systems, Inc. ("Morgan") (Rec. Doc. 23954, as modified by Rec. Doc. 24240). Plaintiffs have filed an opposition memorandum. (Rec. Doc. 24173). Morgan has filed a reply memorandum. (Rec. Doc. 24260).

In its original motion papers, Morgan moved to dismiss the claims of the following plaintiffs on grounds that they had failed to comply with this Court's orders by failing to cure material deficiencies in their Plaintiff Fact Sheets: (1) Leanderous McClendon; (2) Edgar J. Jacobs; (3) Joseph Scott; (4) Jerry Womack; and (5) Kenny James Womack. Morgan subsequently withdrew its motion as to (1) Leanderous McClendon; (2) Edgar J. Jacobs; (3) Joseph Scott; and (4) Kenny James Womack, who cured their PFS deficiencies after the instant motion was filed. *See* Rec. Doc. 24240. Thus, the instant motion remains pending as to Jerry Womack only.

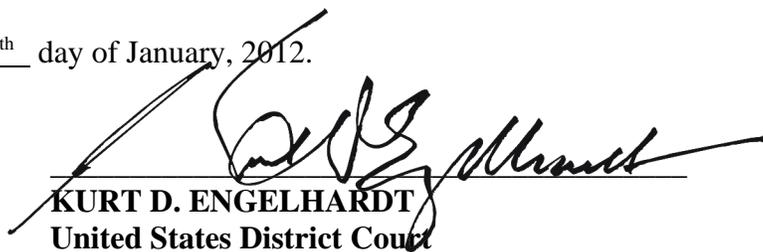
The PFS responses of Jerry Womack fail to provide answers to several of the twenty-three key questions. However, plaintiffs' counsel states that they have recently learned from Jerry Womack's cousin that Jerry Womack is incarcerated and will be released on February 7, 2012. *See* Exhibit D to Plaintiffs' Opposition Memorandum (Rec. Doc. 24173-4). Counsel asks the Court's

indulgence in granting additional time to acquire the information needed to cure the PFS deficiencies. Because the remaining incarceration time is short, the Court will grant the request. Mr. Womack shall have until February 14, 2012 to cure his PFS deficiencies. If he fails to do so, Morgan may renew its motion to dismiss, which motion shall be well received.¹ Accordingly,

IT IS ORDERED that the “**Motion to Dismiss with Prejudice for Failure to Comply with Pre-Trial Order No. 32 Relating to Plaintiff Fact Sheets**” (Rec. Doc. 23954, as modified by Rec. Doc. 24240), filed by defendant Morgan Building Systems, Inc., is hereby **DENIED**.

IT IS FURTHER ORDERED that plaintiff Jerry Womack shall provide answers to each of the twenty-three (23) key PFS fields by February 14, 2012. Upon his failure to do so, Morgan may move for dismissal, as provided in Pre-Trial Orders Nos. 2, 32 and 88.

New Orleans, Louisiana, this 26th day of January, 2012.



KURT D. ENGELHARDT
United States District Court

¹ In the renewed motion to dismiss, if any, in lieu of resubmitting exhibits and restating the history giving rise to the motion, the movant may refer to the instant motion and supporting memoranda, including exhibits, *provided that the movant do so by record document number.*