

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 Referenced in Rec. Docs.
24391, 24392, 24557, 24559

ORDER AND REASONS

Local Rule 7.5 of the Eastern District of Louisiana requires that a memorandum in opposition to a motion be filed eight days prior to the noticed submission date. No memoranda in opposition to the any of the following motions, each noticed for submission on March 7, 2012, were filed:

- 1) Defendant United States of America's Motion for Entry of a Fed. R. Civ. P. 54(b) Judgment Dismissing Mississippi Plaintiffs' Claims Against the United States of America (Rec. Doc. 24391);
- 2) Defendant United States of America's Motion for Entry of a Fed. R. Civ. P. 54(b) Judgment Dismissing Alabama Plaintiffs' Claims Against the United States of America (Rec. Doc. 24392);
- 3) Defendant United States of America's Fed. R. Civ. P. 12(b)(1) and 12(h) Motion to Dismiss Alabama Plaintiffs' Claims Against the United States for Lack of

Subject Matter Jurisdiction (Rec. Doc. 24557); and

- 4) Defendant United States of America's Fed. R. Civ. P. 12(b)(1) and 12(h) Motion to Dismiss Mississippi Plaintiffs' Claims Against The United States for Lack of Subject Matter Jurisdiction (Rec. Doc. 24559).

Further, it appears to the Court that the motions have merit. Accordingly,

IT IS ORDERED that the following motions are hereby **GRANTED**:

- 1) Defendant United States of America's Motion for Entry of a Fed. R. Civ. P. 54(b) Judgment Dismissing Mississippi Plaintiffs' Claims Against the United States of America (Rec. Doc. 24391);
- 2) Defendant United States of America's Motion for Entry of a Fed. R. Civ. P. 54(b) Judgment Dismissing Alabama Plaintiffs' Claims Against the United States of America (Rec. Doc. 24392);
- 3) Defendant United States of America's Fed. R. Civ. P. 12(b)(1) and 12(h) Motion to Dismiss Alabama Plaintiffs' Claims Against the United States for Lack of Subject Matter Jurisdiction (Rec. Doc. 24557); and
- 4) Defendant United States of America's Fed. R. Civ. P. 12(b)(1) and 12(h) Motion to Dismiss Mississippi Plaintiffs' Claims Against the United States for Lack of Subject Matter Jurisdiction (Rec. Doc. 24559).

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 twenty-eight 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 7th day of March 2012.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE