

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  
the Member Case Nos. listed herein

**ORDER**

**A.**

For the defendants in the member cases listed below, the following service issues exist: (a) service has not been made at all, (b) no return of service has been filed into the record, or (c) summons has been returned "unexecuted":

| <u>DEFENDANT</u>  | <u>MEMBER<br/>CASE NO.</u> | <u>PLAINTIFF<br/>ATTORNEY</u> | <u>NO<br/>SERVICE OF<br/>SUMMONS</u> | <u>SUMMONS<br/>ISSUED BUT NO<br/>EXECUTED<br/>RETURN IN<br/>RECORD</u> | <u>SUMMONS<br/>RETURNED<br/>"UNEXECUTED"</u> |
|---|----------------------------|-------------------------------|--------------------------------------|--|--|
| American<br>Camper<br>Manufacturing,<br>LLC d/b/a<br>Ameri-Camp | 10-1041                    | Hawkins                       | ✓                                    |  |  |
| American<br>Camper<br>Manufacturing,<br>LLC d/b/a<br>Ameri-Camp | 12-194                     | Vega                          |                                      | 25122  |  |

| <u>DEFENDANT</u>                                    | <u>MEMBER CASE NO.</u> | <u>PLAINTIFF ATTORNEY</u> | <u>NO SERVICE OF SUMMONS</u> | <u>SUMMONS ISSUED BUT NO EXECUTED RETURN IN RECORD</u> | <u>SUMMONS RETURNED "UNEXECUTED"</u> |
|---|------------------------|---------------------------|------------------------------|--|--------------------------------------|
| American Camper Manufacturing, LLC d/b/a Ameri-Camp | 12-220                 | M. Penton                 |                              | 25268  |                                      |
| Circle B Enterprises, Inc.                          | 10-1041                | Hawkins                   | ✓                            |  |                                      |
| Design Homes, Inc.                                  | 10-1041                | Hawkins                   | ✓                            |  |                                      |
| Dreams R.V. Sales, Inc.                             | 10-1041                | Hawkins                   | ✓                            |  |                                      |
| Homestead Manufacturing                             | 12-221                 | M. Penton                 |                              | 25269  |                                      |
| Lakeside Park Homes, Inc.                           | 10-1041                | Hawkins                   | ✓                            |  |                                      |
| Lakeside Park Homes, Inc.                           | 12-182                 | Vega                      |                              | 25118  |                                      |
| Lakeside Park Homes, Inc.                           | 12-222                 | M. Penton                 |                              | 25270  |                                      |
| Liberty RV & Marine, Inc.                           | 08-4630                | Harang                    | ✓                            |  |                                      |
| Liberty RV & Marine, Inc.                           | 09-4726                | Hilliard                  |                              | Member Case, Rec. Doc. 2                               |                                      |
| Liberty RV & Marine, Inc.                           | 09-6946                | Hilliard                  |                              |  | 7618, 23579                          |
| Liberty RV & Marine, Inc.                           | 10-257                 | Gibson                    |                              | Member Case, Rec. Doc. 1, Sub-part 2, Rec. Doc. 2      |                                      |

| <u>DEFENDANT</u>  | <u>MEMBER CASE NO.</u> | <u>PLAINTIFF ATTORNEY</u> | <u>NO SERVICE OF SUMMONS</u> | <u>SUMMONS ISSUED BUT NO EXECUTED RETURN IN RECORD</u> | <u>SUMMONS RETURNED "UNEXECUTED"</u> |
|---|------------------------|---------------------------|------------------------------|--|--------------------------------------|
| Liberty RV & Marine, Inc.                                       | 10-452                 | Centola                   |                              | Member Case, Rec. Doc. 1, Sub-part 2, Rec. Doc. 2      |                                      |
| Liberty RV & Marine, Inc.                                       | 10-459                 | Centola                   |                              | Member Case, Rec. Doc. 1, Sub-part 2, Rec. Doc. 2      |                                      |
| Liberty RV & Marine, Inc.                                       | 10-1041                | Hawkins                   | ✓                            |  |                                      |
| Mitchell County Industries, LLC                                 | 10-1041                | Hawkins                   | ✓                            |  |                                      |
| Mitchell County Industries, LLC f/k/a Superior Park Model Homes | 10-4118                | Gibson                    | ✓                            |  |                                      |
| Oakwood Homes, LLC  | 08-4630                | Harang                    | ✓                            |  |                                      |
| Razz Electrical Services  | 09-8645                | Bruno                     |                              | Member Case, Rec. Doc. 2                               |                                      |
| Stewart Park Homes, Inc.  | 10-1041                | Hawkins                   | ✓                            |  |                                      |
| Stewart Park Homes, Inc.  | 12-197                 | Vega                      |                              | 25125  |                                      |
| Stewart Park Homes, Inc.  | 12-212                 | M. Penton                 |                              | 25258  |                                      |

| <u>DEFENDANT</u>                      | <u>MEMBER<br/>CASE NO.</u> | <u>PLAINTIFF<br/>ATTORNEY</u> | <u>NO<br/>SERVICE OF<br/>SUMMONS</u> | <u>SUMMONS<br/>ISSUED BUT NO<br/>EXECUTED<br/>RETURN IN<br/>RECORD</u> | <u>SUMMONS<br/>RETURNED<br/>"UNEXECUTED"</u> |
|---------------------------------------|----------------------------|-------------------------------|--------------------------------------|--|--|
| Stewart Park<br>Homes, Inc.           | 12-214                     | M. Penton                     |                                      | 25262  |  |
| Superior<br>Homes, LLC                | 10-1041                    | Hawkins                       | ✓                                    |  |  |
| Superior RV<br>Manufacturing,<br>Inc. | 10-1041                    | Hawkins                       | ✓                                    |  |  |

Fed R. Civ. P. 4(m) provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the Court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the Court shall extend time for service for an appropriate period.

Accordingly, unless service is made on the named defendants on or before **Friday June 29, 2012** or unless within that time you show good cause **in writing** for having failed to do so, the plaintiff's claims against the named defendants in the above member cases will be dismissed without further notice.

**B.**

A review of the record indicates that service of the complaint has been made upon the defendant in the member case listed below and the time to file responsive pleadings/Notice of Preservation of Defenses has expired:

| <u>DEFENDANT</u>          | <u>MEMBER CASE NO.</u> | <u>PLAINTIFF ATTORNEY</u> | <u>REC. DOC. NO. SHOWING SUMMONS RETURNED EXECUTED</u> |
|---------------------------|------------------------|---------------------------|--|
| Liberty RV & Marine, Inc. | 10-2224                | Hilliard                  | 18760  |
| Lakeside Park Homes, Inc. | 10-2363                | Gibson                    | 24700  |

Accordingly, **IT IS ORDERED** that on or before **Friday June 29, 2012**, the plaintiffs in the member cases listed above shall obtain a responsive pleading/Notice of Preservation of Defenses or preliminary default on the served defendants listed above. Failure to do so shall result in the DISMISSAL of any such defendant, for failure to prosecute, without any further notice, in accordance with Rule 41(b) of the Federal Rules of Civil Procedure.

The Court notes that this Order is the product of a massive undertaking (i.e., the review of over 25,600 documents in the record as well as a review of the documents in the above listed member cases). If a member case is listed in this Order in error, the applicable plaintiff attorney is instructed to contact April Flanagan at [april\\_flanagan@laed.uscourts.gov](mailto:april_flanagan@laed.uscourts.gov), with reference to applicable record document numbers to support the assertion that the member case was included in this Order in error.

New Orleans, Louisiana, this 14th day of June, 2012.



KURT D. ENGELHARDT  
UNITED STATES DISTRICT JUDGE