

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 listed herein

ORDER

Certain service and matching issues were detailed in this Court's Orders at Rec. Docs. 25721, 25726, 25730, and 25742. These issues remain unaddressed and unremedied by counsel. Accordingly, after considering the applicable law, the Court rules as set forth herein:

A.

In the Court's Orders of June 25, 2012 (Rec. Doc. 25721) and July 2, 2012 (Rec. Doc. 25726), the Court noted that certain cases remained unmatched and warned that these cases would be dismissed should the plaintiffs fail to show good cause in writing on or before July 11, 2012 (Rec. Doc. 25721) or July 18, 2012 (Rec. Doc. 25726), respectively. In the following cases, plaintiffs failed to timely show cause why these cases should not be dismissed for failure to comply with Pre-trial Order No. 49 (Rec. Doc. 8908). Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that the following cases are hereby **DISMISSED** for failure to comply with Pre-trial Order No. 49 (Rec. Doc. 8908):

- *Laney, et al v. United States of America, et al (08-4630)*
- *Alexander, et al v. American Camper Manufacturer LLC, et al (09-4633)*
- *Alexander, et al v. American Camper Manufacturer LLC, et al (09-4634)*
- *Buckley, et al v. American Camper Manufacturer LLC, et al (09-4785)*
- *Alford, et al v. American Camper Manufacturer LLC, et al (09-4788)*
- *Brock, et al v. CH2M Hill Constructors, Inc., et al (09-4941)*
- *Anderson, et al v. Alliance Homes, Inc., et al (09-5252)*
- *Savoy, et al v. Alliance Homes, Inc., et al (09-7164)*

B.

In this Court's Order of July 3, 2012 (Rec. Doc. 25730), the Court noted that the time for responsive pleading has expired for Liberty RV & Marine, Inc. in the following cases: 09-4726, 09-6946, and 10-2224. The Court warned that failure to either obtain a responsive pleading (or notice of preservation of defenses) from Liberty RV & Marine, Inc. or file a motion for preliminary default by July 18, 2012 would result in the dismissal of this defendant, for failure to prosecute, without any further notice, in accordance with Rule 41(b) of the Federal Rules of Civil Procedure. The plaintiffs in the following cases have failed to obtain either obtain a responsive pleading (or notice of preservation of defenses) from Liberty RV & Marine, Inc. or file a motion for preliminary default. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that the plaintiffs' claims against Liberty RV & Marine, Inc. in the following cases are hereby **DISMISSED** for failure to prosecute, in accordance with Rule 41(b) of the Federal Rules of Civil Procedure:

<u>DEFENDANT</u>	<u>MEMBER CASE NO.</u>
Liberty RV & Marine, Inc.	09-4726
Liberty RV & Marine, Inc.	09-6946
Liberty RV & Marine, Inc.	10-2224

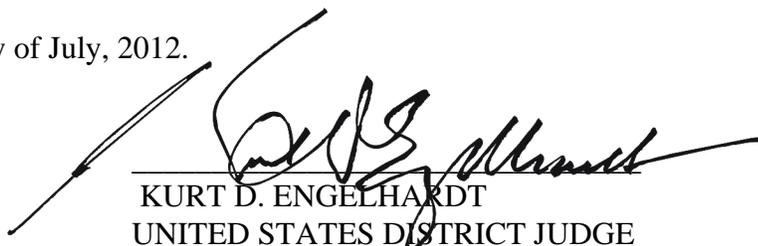
C.

In the Court’s Order of July 10, 2012 (Rec. Doc. 25742), the Court noted that no service had been made on Murillo Modular Group, Ltd. in case number 10-1041 and warned that the claim against Murillo would be dismissed unless service was made by July 18, 2012 or good cause was shown for failure to do so. Counsel for Plaintiffs have failed to either make service or show good cause why service of process has not been effected. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that the claims of Plaintiff against Murillo Modular Group, Ltd. in the following member case are hereby **DISMISSED WITHOUT PREJUDICE** in accordance with Rule 4(m) of the Federal Rules of Civil Procedure, as more than 120 days have elapsed since the filing of the Complaint in this action:

<u>DEFENDANT</u>	<u>MEMBER CASE NO.</u>
Murillo Modular Group, Ltd.	10-1041

New Orleans, Louisiana, this 19th day of July, 2012.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE