

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: FEMA TRAILER
FORMALDEHYDE PRODUCTS
LIABILITY LITIGATION

MDL NO. 07-1873

SECTION "N" (5)

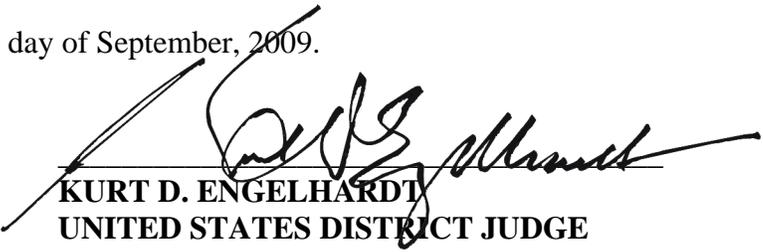
THIS DOCUMENT RELATES TO
Member Case No. 09-2892

ORDER AND REASONS

Before the Court is the Motion for Summary Judgment (Rec. Doc. 2410), filed by Defendant Gulf Stream Coach, Inc. ("Gulf Stream"). In this motion, Gulf Stream asserts that it is entitled to immunity from state law tort liability because of its status as a government contractor. After considering the memoranda of the parties and the applicable law, the Court concludes that there are genuine issues of material fact that exist relating to, inter alia, (1) whether Gulf Stream contracted with FEMA to produce the emergency housing unit ("EHU") in which the bellwether plaintiffs resided (and specifically how the dealings with Best Buy RV played into this) and (2) whether Gulf Stream failed to warn the Government of dangers relating to formaldehyde that were known to Gulf Stream but not to the Government. The issue of whether the jury should even be charged with this defense on behalf of Gulf Stream may be addressed out of the presence of the jury after the close of the evidence. Accordingly,

IT IS ORDERED that the **Motion for Summary Judgment (Rec. Doc. 2410)** is **DENIED**.

New Orleans, Louisiana, this 8th day of September, 2009.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE