

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

In Re: FEMA TRAILER
FORMALDEHYDE PRODUCTS
LIABILITY LITIGATION

MDL NO. 07-1873

SECTION "N" (4)

THIS DOCUMENT RELATES TO
ALL CASES

ORDER

On August 1, 2008, the Court issued an Order and Reasons on the "Motion to Dismiss Administrative Master Complaint on Behalf of Newly Added Defendants CMH Manufacturing Inc., Southern Energy Homes, Inc., Giles Industries, Inc., Sunray RV, LLC, Palm Harbor MFG., LP, and Palm Harbor Albemarle, LLC" (See Rec. Doc. 599). In that Order and Reasons, the Court ruled that sufficient facts have not been alleged to show that standing currently exists as to the Newly-Added Defendants. Thus, the Court granted the motion to dismiss based on lack of standing, without prejudice to the right of Plaintiffs to seek leave to amend, either by going forward with their contested motions for leave to amend (See Rec. Doc. 593 and 594) or by withdrawing those motions and filing new motions for leave to amend within 15 days of entry of this Order, after considering the Court's analysis herein. The Court cautioned Plaintiffs that any Defendants not specifically matched to individual Plaintiffs will be dismissed without prejudice. In that Order and Reasons the Court also noted that, by separate order, the undersigned would grant other pending motions to dismiss based on standing. This Order seeks to accomplish that objective. Accordingly, for the same reasons set forth in this Court's August 1, 2008 Order and Reasons (Rec. Doc. 599),

IT IS ORDERED that the following motions to dismiss are all **GRANTED** (based on lack

of standing), without prejudice to the right of Plaintiffs to seek leave to amend, either by going forward with their pending contested motions for leave to amend (See Rec. Doc. 593 and 594), or by withdrawing those and filing new motions for leave to amend based on the Court's analysis herein:

- (1) Motion to Dismiss Administrative Master Complaint on Behalf of Horton Homes, Inc. (Rec. Doc. 233);
- (2) Motion to Dismiss, or in the Alternative, 12(e) Motion for a More Definite Statement (Rec. Doc. 240);
- (3) Morgan's Motion to Dismiss Pursuant to Rules 12(b)(2), 12(b)(1) and 12(b)(6) with Respect to Louisiana Plaintiffs' Claims (Rec. Doc. 211);
- (4) Morgan's Motion to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) with Respect to Mississippi and Alabama Plaintiffs' Claims (Rec. Doc. 214);
- (5) Rule 12 Motion to Dismiss Administrative Master Complaint on Behalf of Scotbilt Homes, Inc. (Rec. Doc. 244);
- (6) Motion to Dismiss for Lack of Personal Jurisdiction and Venue, or, Alternatively for Transfer of Venue, and Motions to Dismiss Administrative Master Complaint Filed by Dutch Housing, Inc. (Rec. Doc. 280);
- (7) Motion to Dismiss Administrative Master Complaint Filed by Cavalier Home Builders, LLC (Rec. Doc. 284);
- (8) Motion to Dismiss Administrative Master Complaint Filed by Liberty Homes, Inc. And Waverlee Homes, Inc. (Rec. Doc. 278);

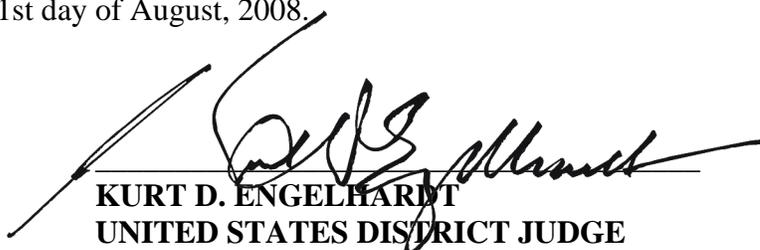
- (9) Motion to Dismiss Administrative Master Complaint Filed by Patriot Homes, Inc. (Rec. Doc. 276);
- (10) Motion to Dismiss Administrative Master Complaint Filed by River Birch Homes, Inc. (Rec. Doc. 274);
- (11) Motion to Dismiss Administrative Master Complaint Filed by Redman Homes, Inc. (Rec. Doc. 272);
- (12) Newly Added Defendant Palm Harbor Homes, Inc.'s Motion to Dismiss Plaintiffs' Administrative Master Complaint (Rec. Doc. 415);
- (13) Protective Motion to Dismiss on Behalf of Cavalier Homes, Inc. (Rec. Doc. 282);
- (14) Motions to Dismiss, or in the Alternative, Rule 12(e) Motion for a More Definite Statement (Rec. Doc. 340);
- (15) Fairmont Homes, Inc.'s Rule 12(b)(2) Motion to Dismiss for Lack of Personal Jurisdiction, or Alternatively for Failure to State a Claim, and for Other Relief (Rec. Doc. 222); and
- (16) Manufacturing Defendants' Joint Rule 12(b)(6) Motion to Dismiss (Rec. Doc. 210).

IT IS FURTHER ORDERED that the following motions are **DENIED AS MOOT** based on Plaintiffs' amendment to the Administrative Master Complaint, wherein fraud allegations were omitted. (See Rec. Doc. 369 and 380):

- (1) Scotbilt Homes, Inc.'s Rule 9(b) Motion to Dismiss the Allegations of Fraud (Rec. Doc. 255); and
- (2) Manufacturing Defendants' Joint Rule 9(b) Motion to Dismiss (Rec. Doc. 242).

IT IS FINALLY ORDERED that **Newly Added Defendant Giles Industries, Inc.’s Motion for Summary Judgment (Rec. Doc. 452)** is **DENIED AS MOOT** based on the Court’s ruling on the Motion to Dismiss Administrative Master Complaint on Behalf of Newly Added Defendants CMH Manufacturing Inc., Southern Energy Homes, Inc., Giles Industries, Inc., Sunray RV, LLC, Palm Harbor MFG., LP, and Palm Harbor Albemarle, LLC” (See Rec. Doc. 599).

New Orleans, Louisiana, this 1st day of August, 2008.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE