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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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IN RE: FEMA TRAILER  
FORMALDEHYDE PRODUCTS  
LIABILITY LITIGATION

Docket No. MDL-1873(N)  
New Orleans, Louisiana  
Friday, March 20, 2009

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TRANSCRIPT OF STATUS CONFERENCE PROCEEDINGS  
HEARD BEFORE THE HONORABLE KURT D. ENGELHARDT  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF  
STEERING COMMITTEE:

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P R O C E E D I N G S

(MARCH 20, 2009)

(MOTION PROCEEDINGS)

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5 THE COURT: All right. You may be seated. First of all,  
6 good morning to you all. We changed venues here. They are doing  
7 some updating on the technology in the courtroom next door, so  
8 Judge Duval has been kind enough to let us use his courtroom so I  
9 want to thank him for that.

10 I did meet with the committees during the last hour and  
11 so we have a lot to report to you today, and we'll go ahead and  
12 start with what will be Joint Report No. 9.

13 Who wants to go ahead and take the initial?

14 MR. WEINSTOCK: Mr. Woods has volunteered.

15 THE COURT: All right, Mr. Woods.

16 MR. WOODS: Good morning, your Honor, Justin Woods for  
17 the PSC. Section I of Joint Report No. 9. The PLC and the MDLC  
18 report there have a total of 95 actions filed thus far or  
19 transferred into this MDL proceeding. There is a list here, it's  
20 an extensive list, six pages of new suits that were filed by the  
21 March 2nd, 2009 deadline in order for individuals to be considered  
22 to be a part of the potential pool of bellwether trial plaintiffs.

23 And this list goes on for six pages, I don't know if,  
24 your Honor, what would you like for me to do regarding names?

25 THE COURT: They will be listed when we file the report,

1 so I don't think we need to go through them one by one.

2 Most of them were filed, I'm looking at the dates here,  
3 March the 2nd, there's a couple here from late February, and I see  
4 one or two here from March the 3rd. But these are all newly filed  
5 actions and many of them are Eastern District actions.

6 MR. WOODS: Yes, your Honor.

7 THE COURT: Go ahead.

8 MR. WOODS: Section II, your Honor, is entitled Plaintiff  
9 Fact Sheets. Today the PSC office still operates its claims office  
10 located at 4731 Canal Street here in New Orleans. To date we've  
11 delivered 3,543 completed PFS forms to the defendants.

12 And there is a correction to the joint report that was  
13 submitted to the court. The PSC has cured to date a total of 803  
14 deficiencies, not 231 as cited in the report. And we'll make that  
15 correction, your Honor, by the end of this day.

16 THE COURT: And the number previously to that, right  
17 above that, it says that PLC, the Plaintiffs' Liaison Committee has  
18 delivered 3,543 completed Plaintiff Fact Sheets to the defendants  
19 as of today. Is that correct, Mr. Woods?

20 MR. WOODS: Yes, your Honor.

21 THE COURT: And 803 deficiencies have been corrected and  
22 supplied to the defendants as we sit here today?

23 MR. WOODS: Yes, your Honor.

24 THE COURT: And how many more, do we know how many  
25 deficiencies have been identified that need to be corrected at this

1 point?

2 MR. WOODS: I don't have that number, your Honor. We do  
3 not.

4 THE COURT: All right. Let's just keeping working in  
5 that direction.

6 For those of you -- well, we are going to stress this a  
7 couple of times today, but I think for those of you who are not on  
8 the committees, the Plaintiff Fact Sheets must be completed as  
9 accurately and as completely as possible. And one of the features  
10 of that that is absolutely critical, if at all possible for you to  
11 get, is the FEMA ID number. If you're filling out a fact sheet for  
12 a plaintiff, it's critical that you have the FEMA ID number, so  
13 please tell your clients if they don't have that with them to  
14 please look every which place they could possibly imagine. Most of  
15 the time it's written, as I understand it from the government, it's  
16 written on almost every document that they would get from the  
17 government related to the FEMA trailer issue. All right.

18 MR. WOODS: And further, your Honor, the court entered an  
19 order, Pre-Trial Order No. 32, which sets particular deadlines for  
20 the completion of PFS forms, and it's most important for  
21 individuals or attorneys with large numbers of clients to be very  
22 mindful of the percentages that are required and the dates that are  
23 required as outlined in Pre-Trial Order No. 32 that was entered on  
24 Wednesday, March 18th.

25 THE COURT: Okay. All right. Motion practice, let me go

1 ahead and comment on that.

2 This morning, or yesterday afternoon, it should be  
3 docketed this morning, the court denied the motion for direct  
4 filing into the MDL. And as I told the attorneys when I did sign  
5 that order, I would like us to be able to establish a procedure  
6 that expedites filing of cases that are ultimately going to wind up  
7 in the MDL while I agreed with -- I think the government opposed  
8 the motion, while I agreed with the analysis of law and felt duty  
9 bound, of course, to apply it, I would like the parties to continue  
10 to discuss ways to expedite the filing of actions either directly  
11 into the MDL or see to it that they can be brought here as  
12 inexpensively and as quickly as possible.

13 If we're going to have to file in all of the various  
14 venues and jurisdictions and those actions are going to have to  
15 either be removed or transferred here or both, removed and then  
16 transferred by the other federal district courts here, it's going  
17 to take up a lot of time and it's also going to take resources,  
18 both judicial and party resources. So I am going to urge the  
19 attorneys to try to continue to work on a means that would short  
20 circuit that process.

21 I would like to have granted the motion for direct  
22 filing, but I didn't see legally how I could do that over the  
23 objection the government's raised. So if you're not familiar with  
24 the positions that are taken, you can see in the record the  
25 government's objection, which I agree with as a correct analysis of

1 the law.

2 The other motion that's pending here relates to the  
3 notice of denial of class certification. The parties have  
4 submitted a draft of what that notice would be, and there are very  
5 few objections to it. But by the end of today, I am going to issue  
6 an order that resolves those very few discrepancies between the  
7 parties relative to the notice. So you can look for that again by  
8 the end of today.

9 All right. Anything else on motion practice, counsel?

10 MR. MEUNIER: Nothing on that, Judge. But just if I  
11 might add something about the notice for those who are here, those  
12 plaintiff counsel.

13 From the PSC standpoint, the most important aspect of  
14 this notification to form class members is that the denial of  
15 certification by this court has legal implications for them in  
16 terms of the statute of limitations. And certainly since we are no  
17 longer a class action, our duties to these absent claimants is  
18 different than it was when we were operating as class counsel.

19 But I think it is important for plaintiff lawyers here to  
20 be aware that the statute is running. But more than that, this  
21 court now has agreed to publish a notice or to approve the  
22 publication of a notice which will officially and formally notify  
23 people of that fact, and therefore it becomes more difficult, I  
24 think, for claimants to later take the position that post denial of  
25 class cert, they weren't aware that they had to exercise certain

1 legal rights that they have. I just want to emphasize that for  
2 those that are here.

3 THE COURT: Okay. All right. Let's also talk about --  
4 is there any need to cover the mobile housing? Why don't you give  
5 us whatever you can.

6 MR. MEUNIER: Just report, Judge, that pursuant to your  
7 directives, the manufacturers of mobile housing units and part  
8 models, these are units other than travel trailers, which do not as  
9 a whole comprise a significant percentage of the total inventory at  
10 issue in this litigation because they're perceived to be in a  
11 different category certainly than the travel trailer manufacturers,  
12 have been meeting with the delegation of the PSC in an effort to  
13 forego formal discovery and costs associated with discovery and to  
14 get to a point where we can have discussion about global  
15 resolution.

16 In that process it's become clear, however, that some  
17 claims information is necessary for those discussions to take  
18 place. So to some extent we're dependent again on matching  
19 activity, dependent again on people filing suit once they're  
20 matched, and we do hope that nonetheless that when sufficient  
21 matching and claims information is at hand those discussions with  
22 the mobile housing manufacturers will be fruitful.

23 THE COURT: Well, here again, touching on something I  
24 said just a few minutes ago, this has come up at every single  
25 meeting I've had with the committees as well as these conferences

1 that we've had. In order to get this case moving quicker than it  
2 is on the plaintiffs side, again, you've got to get that  
3 information, it's critical. It's the gold standard in this case.  
4 Every time we come across an issue in this case where something  
5 needs to be done, the first thing I hear from the attorneys is that  
6 we don't have sufficient information, we can't match, we don't know  
7 which manufacturer, we don't know which third-party contractor is  
8 involved.

9 So this is a threshold matter for those of you who are  
10 here representing plaintiffs, it's a threshold matter that you  
11 gather that information, and you'll be doing yourself and all of  
12 the lawyers, not just the plaintiffs liaison counsel and the  
13 committee, you will be doing all of the lawyers a great service.  
14 You will be doing the court a great service because we can get the  
15 case moving a little quicker. So please try to get that  
16 information on the front end.

17 And I'll sound like a broken record, I'm sure, it will  
18 probably come up again before the end of this conference, but the  
19 FEMA ID number and any of the information on the fact sheet is  
20 critical to get the claim processed quicker.

21 The next topic on the report is matching the plaintiff to  
22 the defendant manufacturer and FEMA contractor. Seems like I just  
23 talked about that. But does anybody have anything they want to add  
24 on that before I repeat myself once again?

25 Does anybody have any questions about that? Maybe it is

1 a good time now to ask if anyone has any questions at all. Yes,  
2 sir.

3 MR. SCHMIDT: Don Schmidt. Your Honor, we received a  
4 spreadsheet or something, an e-mail or something to put our clients  
5 down to match with the government. Is that true if we sent the  
6 names in to the government of the people that resided in the  
7 trailer we would be able to get the --

8 THE COURT: Why don't you come up to the podium.

9 It's an important question and I am going to let the  
10 attorneys respond.

11 MR. SCHMIDT: I'm Doug Schmidt and I am on the Plaintiffs  
12 Steering Committee. We have a number of clients that again we  
13 don't have all of the information we need. We want to know if we  
14 got some kind of spreadsheet in an e-mail and if we put our  
15 client's name down, will the government give us the information as  
16 for the manufacturers ID and all of that stuff?

17 THE COURT: Well, my understanding is that it's not  
18 simple, it's not as simple as that. Can they do it, would it be  
19 possible for them to do it, I'll let Mr. Miller talk about that.  
20 There are a lot of complications to that, so please don't assume  
21 that if you give us the name somebody's going to be able to go find  
22 this because it's costly, it's time consuming, and it may not, we  
23 don't know.

24 So the first source for that information is going to be  
25 your client. And your client, if they come to you and say, well, I

1 don't remember or I don't know, you're going to have to go through  
2 the exercise with them saying you need to go back and get whatever  
3 documents you have because it's going to save a lot of time.

4 So please don't rely on just the fact that you have the  
5 name that somebody else is going to go find it because they may not  
6 be able to or it's going to take so long that it's going to wind up  
7 costing us time, it's going to cost resources that could be put to  
8 better use.

9 Counsel, does anybody want to respond?

10 MR. MEUNIER: What I heard, Henry can correct me if I'm  
11 wrong, the two most important pieces of information are not the  
12 name. It's first the location of the unit because first it has to  
13 be put in one of the four states in the FEMA system.

14 MR. SCHMIDT: Location.

15 MR. MEUNIER: Location of where the unit was: Texas,  
16 Mississippi, Louisiana or Alabama. The second thing once you've  
17 got the location is the FEMA ID number.

18 And as we're hearing, and as I've told Judge Engelhardt  
19 and I'll say here, a lot of the clients don't have their FEMA ID  
20 numbers. But I think it behooves all plaintiff counsel to do  
21 everything possible on our end with due diligence to make sure that  
22 they don't have, to get it if they have it; and if you're  
23 absolutely certain there is no way we can come up with it and then  
24 we go to the next step, which is to ask, if with the government's  
25 help, we cannot make the match without a FEMA ID number.

1           But I think it behooves us to get the ID number from the  
2 client, it is on some information that they received from the  
3 government.

4           THE COURT: My understanding is that if you have the FEMA  
5 ID number, you are way ahead on the game board than you would be if  
6 you submitted a name.

7           MR. SCHMIDT: I think most of them would have a FEMA ID  
8 number.

9           THE COURT: That would be very, very helpful and would  
10 get you much furtherer along with the FEMA ID number.

11           MR. SCHMIDT: Another question, your Honor. It's a  
12 little off this topic, but we sent in a number of I-95s. How can  
13 we decide -- how can we find out if the government actually  
14 received it? Does the government keep a list of the I-95s for each  
15 claim that comes in and how can we access that list?

16           THE COURT: Let me let Mr. Miller respond to that.

17           MR. MILLER: Your Honor, in fact, I received an e-mail  
18 from Mr. Schmidt asking me to list all of his clients who submitted  
19 an I-95. I have to assume Mr. Schmidt knows who he submitted I'95s  
20 on for his clients and the dates that he sent it out to FEMA.  
21 That's the best source. FEMA does not keep a list by attorney.

22           To the extent that you provided it, it's considered  
23 Privacy Act information, we're not allowed to release it back to  
24 you.

25           You also asked about Mr. Raul Bencomo's list, I can't

1 issue that to you even if we had it in terms of the Privacy Act.  
2 Mr. Bencomo would have to request that.

3 FEMA is the arbiter. When you file an administrative  
4 claim, FEMA has the claim and FEMA basically has a right to  
5 adjudicate the claim, resolve the claim based at that point.

6 If after six months FEMA has not resolved it, you have  
7 the right to file suit in this court or the appropriate venue.

8 MR. SCHMIDT: I didn't make myself clear on the record.  
9 How do I know you received it? I know the data I sent you. But  
10 what if you say, well, I sent 300, I sent it certified mail but  
11 there's 20 of them that you said you didn't get them.

12 MR. MILLER: If you sent them certified mail you have the  
13 certified mail receipt, that solves the problem.

14 MR. SCHMIDT: I am just saying if -- how do I know that  
15 you received them? Do you all keep a list and you could say yes?

16 MR. MILLER: The answer is no, there is no such list.

17 MR. SCHMIDT: Why isn't there a list?

18 MR. MILLER: Because I think FEMA has 40,000 claims they  
19 received and haven't been able to process them all.

20 THE COURT: As I understand what Mr. Miller is saying,  
21 they deal with them individually when they get them, they don't  
22 compile them in any kind of list. If you have a green card back  
23 from the mail that indicates that it's been properly addressed and  
24 there is a signature indicating it's been received, then I think  
25 you're entitled to rely upon that.

1 MR. SCHMIDT: Some of ours we sent by Federal Express in  
2 bulk. So if they go in bulk by Federal Express, of course they  
3 received it and we have that list. But what if they say, well,  
4 you've got 300 you sent but we only have 270? Do you know what I'm  
5 saying here? I am sending them by Federal Express, they got there.  
6 I don't think it's unreasonable to have a list or to log in on the  
7 computer, everybody else has computers, to put a person's name down  
8 when you received it.

9 MR. MILLER: Can I just point out this becomes an issue,  
10 your Honor. If after the plaintiff files suit, he has filed suit  
11 prematurely. As long as you file suit after six months, when you  
12 believe it was received and you have the facts that you can prove  
13 it, you're going to satisfy the jurisdictional requirements. So  
14 you have a Fed-Ex label that shows it was mailed off, you have a  
15 list of the claims that were submitted, that's your evidence.

16 MR. SCHMIDT: Okay. That's all I wanted to know. That's  
17 all I needed to know.

18 THE COURT: Come on up. There was another question in  
19 the back row though, too. He had his hand up and then we'll get to  
20 your question.

21 MR. GARSIDE: Good morning, your Honor, Clay Garside on  
22 behalf of the family named the Huckabees and the parents of an  
23 infant named Dynasty Trang who died in a FEMA trailer in the summer  
24 of 2007.

25 Regarding this issue, I would like to ask the court just

1 to take the next step. If the parents of Dynasty Trang just don't  
2 have their FEMA ID number, they're not native English speakers,  
3 they're basically itinerant workers at this point, they just don't  
4 have it. I submitted the information I have, which is everything  
5 else, and the government just declined to respond. Do they have to  
6 do some due diligence to find it?

7 THE COURT: Submit it to liaison counsel. You've given  
8 the names to liaison counsel?

9 MR. GARSIDE: I've given everything except the ID  
10 numbers.

11 THE COURT: They'll see what they can do to locate it.  
12 But it is going to take some doing for them to find that. If you  
13 haven't heard anything, it may not be as simple as just popping in  
14 a name and coming up with a number. They will try to find it. My  
15 understanding is that they have the name, they will try to find it.  
16 But it's going to take some time and it's not nearly as expeditious  
17 as if we had numbers on the front end.

18 MR. GARSIDE: Right.

19 THE COURT: The point is, if you can get the number, if  
20 your client has documentation, any documentation, you all can scour  
21 that documentation, try to identify the number which would be of  
22 great help to the court.

23 MR. GARSIDE: I understand.

24 THE COURT: So, look, I can't sit here and respond an  
25 inquiry about everybody's separate cases.

1 MR. GARSIDE: The question basically is the response I  
2 believe I got was we decline to look for it because you don't have  
3 the FEMA ID number. Is that sufficient, do they have a duty to --  
4 as I understand also --

5 THE COURT: Your client has a duty to have that number.  
6 Your client has a duty. All right. If they don't have it and if  
7 that somehow comprises their case, then it comprises their case.  
8 If they can find it, they're going to try to find it. I've  
9 encouraged them to do so.

10 But don't come in here, I am not talking to you in  
11 particular, don't come here and drop a bunch of names and expect  
12 someone else to do the work if there's a way for you to get that  
13 number. The number is important. I've said it at least twice  
14 already, Mr. Meunier has said it and Mr. Miller has said it.

15 MR. GARSIDE: I understand.

16 THE COURT: So if you can get the number, I am talking to  
17 everybody, not just you, if you can get the number you're doing  
18 yourself and everybody else a world of good. If you can't get the  
19 number, get it to liaison counsel, they will see if the government  
20 can try to find a number that matches up with that name. Hopefully  
21 they will, and in your case I am going to encourage them to do  
22 that.

23 But they don't have a duty to -- in my opinion they don't  
24 have a duty to undertake that with regard to every name that they  
25 get.

1 MR. GARSIDE: And in that regard, can I clarify for the  
2 people who aren't in the inside, I have no authority to issue any  
3 discovery requests, is that correct, as just an individual, you  
4 know, plaintiff?

5 MR. MEUNIER: Let me respond to this, Judge. I think  
6 this is a legitimate issue. For those people who have done  
7 everything they can as plaintiff lawyers to find the FEMA ID  
8 number, which is the way you match, and they can do nothing else  
9 and they can't conduct formal discovery and the clock is ticking on  
10 the statute of limitation, I think there is an equitable tolling  
11 issue here. And I think, with all due respect to the court, it  
12 does become incumbent on the defendant which holds the information.

13 Because remember, once upon a time FEMA had a number you  
14 could call and you could give them your name and the location and  
15 they would look in their system and they would find the  
16 information. So they're the ones holding the information.

17 I would say with respect to this gentleman, that if there  
18 are situations where everything has been done and we can  
19 demonstrate to the court due diligence has been exhausted on our  
20 end, that I would wrap those cases together, bring an appropriate  
21 motion and order, ask the court to direct FEMA, if they're not  
22 willing to do it voluntarily, to by a date certain search for and  
23 come up with that information. If we can't do anymore and it's in  
24 their hands.

25 THE COURT: The key to what Mr. Meunier just said is due

1 diligence on the plaintiff's side. If you have done all of that,  
2 if you have visited with your client, if you have gotten your  
3 client to produce to you all of the documentation they have, if  
4 any, some people may not have any, if you've exhausted every avenue  
5 to try to get that number, then we are going to try to get that  
6 number from whatever sources we can within the government.

7 But do they have a duty upon the presentation of a name  
8 to go and find that number? I am not going to go that far and I  
9 don't think that they do. From what I understand from Mr. Miller,  
10 they'll try to do that. If you were told that they absolutely  
11 won't do it, I suggest to you to get that name to liaison counsel  
12 so that they can submit that name to the government based upon the  
13 conversation that I had with them this morning.

14 MR. GARSIDE: Okay. Thank you, your Honor. Thank you.

15 MR. MILLER: Your Honor, if I can --

16 THE COURT: Unless it has to do with this, Henry, why  
17 don't I go ahead and hear from this gentleman, he's been patiently  
18 waiting. Go ahead.

19 MR. LAMBERT: Thank you, your Honor, Hugh Lambert. Your  
20 Honor, during the deposition of one of the no-bid contractors --  
21 and I am not sure if it was CH2M Hill or Bechtel Corporation, I am  
22 just not sure, could have been Fluor -- there is a provision in the  
23 contract which requires the government to keep electronically on a  
24 CD ROM a list of information which was described during the  
25 deposition as being on an Excel spreadsheet. And that was required

1 by these contractors to maintain maintenance logs.

2 And according to the witness, and I would be happy to  
3 present the court at a later time through liaison counsel the  
4 particular pages of the deposition testimony that I am asking the  
5 court to consider. The information of this ID number, the  
6 location, the physical location of the temporary housing unit or  
7 emergency housing unit, however you want to phrase it, the  
8 individual who occupied that unit, in other words, the head of the  
9 household or whatever, the date that that unit was put in service  
10 with that individual, if it was decommissioned, the date that it  
11 was decommissioned, and all of this is required to be kept  
12 electronically by the no-bid contractor. A copy of it is required  
13 to be sent to FEMA.

14 In the contract it's required that that information be  
15 held for a certain period of time, and I am not sure exactly how  
16 long, two years, maybe three, I don't remember the detail. And the  
17 argument is privileged information, Privacy Act. I would ask the  
18 court to consider asking the government to provide you with that CD  
19 ROM, just you, so that you could view in camera what information is  
20 available.

21 It's also supposed to contain the maintenance complaints.  
22 For example, my roof's leaking or whatever, my furnace doesn't  
23 work, for that particular unit. If you would look at that and make  
24 a determination as to whether or not it can be redacted so as to  
25 only provide to the list of individuals who liaison counsel has

1 satisfied your Honor that we have the authority to get it so it  
2 doesn't violate any sort of privacy issues, it seems to me like  
3 that would solve a ton of problems with judicial efficiency,  
4 without putting unnecessary hurdles in front of plaintiffs,  
5 allowing the defendants to protect the information that's not  
6 included in this litigation. And if you would look at it and make  
7 the determination if it's really there and that simple, I think  
8 that this whole issue could be resolved. So my --

9 THE COURT: I am not quite sure -- I don't have a motion  
10 in front of me such that I would conduct an in camera inspection.  
11 From what you're describing, it wouldn't surprise me if that exists  
12 in the form that you say it does and what the witness testified to.

13 MR. LAMBERT: It does.

14 THE COURT: But why would I be looking at it at this  
15 point without a discovery request even having been made?

16 MR. LAMBERT: Maybe I should make that discovery request.

17 THE COURT: Yeah, I think so. And if there's a  
18 dispute --

19 MR. MEUNIER: I just asked Mr. Woods if we had a formal  
20 discovery request pending that would cover what Skip is talking  
21 about and the answer is no. But we will file one forthwith,  
22 proceed with a motion to compel if we need to, bring it to the  
23 magistrate and to the court. I think it's an excellent way to  
24 proceed.

25 Thank you, Skip.

1 MR. MILLER: Your Honor, I had actually discussed this  
2 with Mr. Lambert, and, in fact, I suggested that the way to go was  
3 Privacy Act prevented us from just handing it, that they basically  
4 should request it, and if the court believes the Privacy Act should  
5 be waived, then the court can do that.

6 THE COURT: Right.

7 MR. MILLER: That was the only way I could handle it.

8 THE COURT: Okay.

9 MR. D'AMICO: Your Honor, with respect to Fluor under the  
10 Aldridge case, we have requested that information.

11 THE COURT: Okay. All right. I mean, that's all fine  
12 with me. I don't have any problem with any of that. This  
13 suggestion that somehow having the FEMA ID number that if  
14 plaintiffs' counsel can find the FEMA ID number, I don't view as a  
15 hurdle. I think that's the term you used just now that this is  
16 somehow a hurdle, I don't view it as a hurdle. Either they have it  
17 or they don't. The only way to know if they have it is to look for  
18 it. Some people will have it, most people I hope will have it, and  
19 some people won't.

20 But I don't think it's an unreasonable thing for an  
21 attorney to ask a client, since you're doing the Plaintiff Fact  
22 Sheets anyway, for the FEMA ID number if they have it. And that's  
23 where this whole thing begins, regardless of who else has it.  
24 Maybe somewhere in the government's possession, may be somewhere in  
25 a third party's possession, may be somewhere in the manufacturer's

1 possession, but it really starts with plaintiff's counsel getting  
2 the appropriate information about his or her client. And I am  
3 going to emphasize that you all really need to do that and that's  
4 not a hurdle. All right.

5 MR. MILLER: Your Honor.

6 THE COURT: Go ahead, Mr. Miller.

7 MR. MILLER: Your Honor, the two things that I wanted to  
8 point out is that there have been approximately I think 42 new  
9 complaints filed that named the United States as a party, and I  
10 just wanted to advise all plaintiffs counsel that under the Federal  
11 Rules of Civil Procedure Rule 4(i) you need to effect service in  
12 compliance with those requirements. And until that service is  
13 effected, the time period for the United States issuing an answer  
14 does not begin to run, and the United States gets 60 days basically  
15 from the time the complaint is served.

16 Secondly, if you don't effect that service within 120  
17 days, the court has the discretion and the ability to dismiss that;  
18 and that motion has actually been teed up on some other cases where  
19 those cases were eventually voluntarily dismissed.

20 The second thing is, just to put thing s into  
21 perspective, if we do not have the FEMA number, we tried running  
22 name searchs back last spring and we were only coming back with a  
23 27 percent match. So if you do not have your FEMA ID number, there  
24 is a large risk that we will not be able to match up your client's  
25 name. It is in your best interest to get that, as well as the fact

1 that the Plaintiff Fact Sheets require the plaintiffs to provide  
2 that and cert that.

3 Obviously if they do not have any way to find it and it's  
4 impossible for them to do it, we will try to dig up that  
5 information for them. But it is a substantial expense to the  
6 government if it has to do that, it's multiple searches, where the  
7 FEMA ID number and the state, we can match fairly readily.

8 As to I think it was the plaintiff's counsel from Mr. --  
9 the Huckabees, designated Exhibit 11 was submitted to the  
10 government on March 6th. The problem we had with that is that none  
11 of the claimants names had any FEMA identification number, there  
12 was not one of them. And I basically rejected that and considered  
13 deficient because there were no matches. If, in fact, there is one  
14 person they cannot match up, they've done the due diligence, the  
15 government will attempt to run that search.

16 But clearly this is not the general rule and that's what  
17 I really want to stress here. You need your FEMA ID numbers.  
18 Thank you, your Honor.

19 THE COURT: All right. Mr. Woods.

20 Oh, okay. Mr. Woods, did you want to add anything or  
21 Mr. Meunier?

22 MR. MEUNIER: I think he worked it out. The only thing  
23 on service I wanted to add is that there has been no agreement with  
24 manufacturing counsel or contractor defendant counsel to waive  
25 service, so all formalities of service are in play and all

1 plaintiffs counsel should be aware of that with respect to new  
2 filings.

3 THE COURT: Right.

4 MR. MEUNIER: Judge, I think the next section deals with  
5 bellwether trials. This court by prior order has scheduled four  
6 trial dates beginning, the first being this September, and those  
7 are a matter of record.

8 On Monday the parties are obliged to submit to the court  
9 the names of nominees for bellwether trial plaintiff selection.  
10 The lists are divided by the four manufacturers who are currently  
11 scheduled to be in those trials, and pursuant to a discussion with  
12 the court this morning that I want certainly all counsel for  
13 plaintiffs to be aware of, we now at our request have been afforded  
14 by you an opportunity, among the parties, to study the nomination  
15 pool on Monday and have some time on our end to perhaps agree on  
16 the selection of bellwether trial plaintiffs that we would regard  
17 as instructive and propose those names to the court.

18 And as I appreciate it, we have until Thursday for that  
19 process. So following the submission of the names on Monday, we  
20 will have until Thursday to come up by agreement, to come to an  
21 agreement about bellwether selection. And failing that, we will  
22 have an opportunity on Friday to make objections to the nominations  
23 made by all parties; and thereafter, as I appreciate it, will go  
24 forward depending on whether we have an understanding among  
25 ourselves or the court will have to select those plaintiffs.

1 THE COURT: Right. That's correct. That's the  
2 conversation that we had this morning.

3 So as I understand it, hopefully by the end of next week,  
4 assuming you all can agree, we should have the bellwether  
5 plaintiffs identified.

6 MR. MEUNIER: Yes.

7 THE COURT: Am I correct in that?

8 MR. MEUNIER: Yes.

9 THE COURT: And if you can't agree, then I will make a  
10 choice, which I will try to do by the end of next week or the week  
11 after.

12 MR. MEUNIER: And in each case, Judge, the plan is to  
13 proceed one plaintiff against a single matched manufacturer --  
14 specifically one of the four who has already been designated as  
15 holding the largest inventory shares, if you will -- one matched  
16 contractor. But I do want to emphasize here for those present that  
17 there are four what we refer to as no bid contractors. One of  
18 those four Bechtel is not an Eastern District of Louisiana suable  
19 contractor, and under the rules of the MDL, the Lexicon doctrine,  
20 this court is not empowered to conduct bellwethers as to non-LAED  
21 defendants unless that's done by agreement.

22 So at the moment, we anticipate that the four bellwether  
23 trials will be naming three separate manufacturers -- I'm sorry,  
24 contractors, one of whom may have to go twice, if you will. And  
25 those are Shaw, Fluor and CH2M Hill.

1           And then in each case also we're obliged to present  
2 claims against FEMA that are both ripe, that is six months have  
3 passed from Form I-95, and viable under the court's discretionary  
4 function immunity ruling which narrowed the theory of fault as to  
5 FEMA.

6           THE COURT: Right. Does anybody have any question about  
7 the bellwether, the setting of the bellwether trials and the  
8 selection process? Okay.

9           Let me also point out, this is probably the appropriate  
10 place to point out that we have had some defendant manufacturers  
11 file for bankruptcy protection. My listing of those, and this will  
12 appear in the report that's filed into the record here, but my  
13 listing would be Monaco Coach Corporation, R-Vision, Inc.,  
14 Fleetwood Enterprises, Pilgrim International, Patriot Homes, and a  
15 manufactured home defendant Oakwood Homes, LLC, are currently under  
16 Chapter 11 bankruptcy protection.

17           That schedule, by the way, for the bellwether trials is  
18 currently set for the first to take place on September 14th, 2009;  
19 the second, October 26, 2009; the third, December 7th; and the  
20 fourth, January 11th. You might want to amend this, Justin, when  
21 you revise, it's 2010 for letter D.

22           MR. WOODS: Yes, your Honor.

23           THE COURT: Okay. I meant to mention this in my meeting  
24 with the committees this morning, but I would certainly cover this  
25 with the group anyway. My intent as we sit here today is to put

1 together some type of jury questionnaire form that we would send  
2 out well in advance of these trial dates. Insofar as what that  
3 form would include, I would hope that counsel, you all perhaps have  
4 already been discussing it, at least amongst yourselves on each  
5 side, but it probably is not too early for you all to be giving  
6 that some thought.

7 I have some sample forms that have been used for cases  
8 here in the Eastern District. But in terms of what form we're  
9 going to use, it will certainly be a collaborative effort. And so  
10 I will ask you all to start giving that some thought. I'll do the  
11 same and maybe we can start putting pen to paper sometime between  
12 now and our next status conference so that we can have a draft that  
13 we can start kicking around as to what we're going to send out for  
14 the first bellwether trial. Yes.

15 MR. BECNEL: Robert Becnel. In conjunction with what  
16 Mr. Meunier just said on the trial schedule, I noted the date of  
17 January 11, 2010 also, which should be amended as to take Bechtel  
18 Corporation out since they're not an Eastern District no-bid  
19 contractor.

20 THE COURT: Yes, I see them. They're listed here and  
21 Mr. Meunier just pointed that out so we can probably go ahead and  
22 remove them from this listing. Do you have that?

23 MR. MEUNIER: Yes, we have it, Judge.

24 THE COURT: All right. Yes.

25 MR. PERCY: Jim Percy on behalf of Keystone RV, your

1 Honor. It's my understanding as a result of the chambers  
2 conference that the schedule for the trials of bellwether  
3 plaintiffs as to the manufacturing defendants, the order, and this  
4 is very important to my client and others, would be Gulf Stream is  
5 pencilled in as the first scheduled trial, Fleetwood second, Forest  
6 River third and Keystone fourth; is that correct, your Honor?

7 THE COURT: That's correct. That's the order in which  
8 they have been identified. In other words, we need to find and  
9 we're going to find through the process we've described a little  
10 while ago a plaintiff matched to one of those manufacturers to go  
11 to trial on those dates that you've associated with each  
12 manufacturer.

13 Now, of course we do have the issue of Fleetwood's  
14 bankruptcy and we're going to determine, we haven't determined  
15 today, but we've discussed whether or not Fleetwood will actually  
16 be a defendant on the second of those bellwether trial dates.  
17 Counsel are going to confer and advise as to whether or not the  
18 bankruptcy is going to prevent Fleetwood from being a defendant.

19 My intent, and I've told the liaison counsel and the  
20 committees, is that if Fleetwood is not going to go to trial on  
21 that day in light of the bankruptcy, that another defendant -- and  
22 counsel can discuss what other defendant could be substituted -- we  
23 will identify a case to go to trial for a bellwether trial on that  
24 date. So that's the game plan right now.

25 As of now, Fleetwood is going to remain pencilled in as

1 the defendant on the second of those dates, which is the  
2 October 26th trial date.

3 MR. PERCY: Thank you, your Honor.

4 THE COURT: All right. Anybody have any questions about  
5 the bellwether trials, the selection process, the scheduling?

6 We are going to talk a little bit more about discovery at  
7 this point. Mr. Meunier, you want to go ahead and cover that?

8 MR. MEUNIER: Yes. Judge, as reflected in the joint  
9 report, which will be filed in the record, the PSC contemplates  
10 simultaneous, three simultaneous but separate discovery tracks:  
11 One dealing with general merits issues; one dealing with insurance  
12 coverage and limits, which is obviously important given the state  
13 of affairs with the bankruptcy filings and in the RV industry; and  
14 then third, the bellwether specific plaintiff discovery.

15 It is critical that there be coordination. We know there  
16 will be overlapping depositions and overlapping discovery. We're  
17 committed as plaintiffs liaison counsel to do everything we can to  
18 prevent there from being conflicting or uncoordinated activity on  
19 our end. We're going to organize into teams, we'll have separate  
20 teams with separate chiefs all coordinating through liaison to make  
21 sure that we don't run into problems with it.

22 And I think we have a way to do this without involving  
23 the court and the magistrate, but it is going to be simultaneous  
24 discovery tracks which require coordination. I would ask that any  
25 plaintiff attorney who feels the need to conduct discovery or have

1 discovery conducted on behalf of his or her clients, please  
2 coordinate with Justin Woods and me so that we can incorporate  
3 those efforts through our organizational structure.

4 THE COURT: I think that goes back to something that  
5 Mr. Garside had raised. Does that answer your question or did you  
6 want to -- you mentioned discovery and your question was or rather  
7 your statement was I understand that I can't do discovery. I think  
8 Mr. Meunier answered the question; but in case he didn't for the  
9 benefit of everybody, did you have any follow-up on that?

10 MR. GARSIDE: No, your Honor.

11 THE COURT: Okay. All right. Thank you. And thank you  
12 for raising it, too, because I knew it was coming up later on the  
13 agenda but I appreciate you raising it.

14 MR. WEINSTOCK: Your Honor, the other issue -- I'm sorry,  
15 Andy Weinstock, defense liaison.

16 The other issue that's come up on match discovery is that  
17 the PSC is going to redraft the master written discovery on merits  
18 issues to send to the defendants so we can start getting to a  
19 resolution of the E-discovery issues and thereafter depositions  
20 that need to be taken, obviously with those documents available and  
21 not before those documents become available, which would subject  
22 the witness to two depositions.

23 It's my understanding the PSC is going to go back and not  
24 only redraft the discovery but redraft the plan in which they want  
25 to approach dates and depositions and all of that following the written

1 discovery.

2 MR. MEUNIER: That's correct, Judge.

3 THE COURT: All right. And that's an important point.  
4 For the sake of the deposition process, we've got to make certain  
5 that it's conducted in the proper order and that we don't get the  
6 cart before the horse, given that documents are simply going to be  
7 essential to the deposition process, we're going to have to make  
8 certain that the document discovery is conducted timely and in the  
9 appropriate order.

10 So we're going to try to tee up the document discovery, I  
11 guess on all three tracks if I am not mistaken, sooner rather than  
12 later so that we don't have to redepose anybody and we certainly  
13 wouldn't want to allow anyone, the plaintiff or the defendant, to  
14 have to sit for another deposition based upon documents that  
15 existed prior to the first but were just never obtained. So let's  
16 make sure that when you depose somebody, you depose them with the  
17 benefit of all of the information needed to conduct a complete  
18 deposition such that there will not be a redeposition.

19 All right. We also discussed the issue of another master  
20 complaint being filed relative to the contractor defendants. I am  
21 cognizant of the fact that when they are added as a party to the  
22 bellwether trials, the contractor defendants, the entities that are  
23 going to participate in each of those bellwether trials will bring  
24 Rule 12 motion practice in connection with those trials.

25 I think what we envision, Mr. Meunier, you can describe

1 this maybe in more detail better than I can, but what we're  
2 contemplating is that there will be Rule 12 issues by the  
3 contractor defendants that would be general enough to apply to all  
4 plaintiffs. And in the interest of saving time for everybody and  
5 resources, certainly so that we don't have piecemeal treatment of  
6 these issues by plaintiffs, that those can be raised in response to  
7 a future master complaint. And the court's rulings -- they can  
8 brief it once, plaintiffs can respond once, we can get those issues  
9 resolved.

10 MR. MEUNIER: Exactly, Judge. As I see the schedule with  
11 the bellwether trial schedule being what it is, there will be some  
12 12(b) motion practice by contractor defendants no doubt in response  
13 to a bellwether plaintiff selection and the complaint by that  
14 bellwether plaintiff. However, the master complaint to us remains  
15 a very important administrative tool, and when there are a  
16 sufficient number of underlying actions filed which bring forth  
17 claims, certainly defendants like the contractors who have not  
18 heretofore been before you on a global common basis, we do propose  
19 to amend the master complaint, incorporate into it as an  
20 administrative device all of those allegations against all of those  
21 defendants who have been brought in, and this will give you a  
22 chance to dispose as an MDL judge of common issues pursuant to  
23 12(b) motion practice, etc.

24 Unfortunately, I don't think we're going to be able, as  
25 we discussed in chambers, to await dealing with all of the common

1 issues of the contractor defendants that way because the bellwether  
2 trial schedule is going to see to it that we come sooner to that  
3 point. But I think we'll end up with a both and situation.

4 And I am asked from time to time about the master  
5 complaint, plaintiff lawyer wanting to know are we going to amend  
6 it, what are we going to do with it? We do intend to amend it, we  
7 want there to be a sufficient number of underlying cases filed to  
8 make the amendment meaningful for the purpose of summarizing  
9 presenting issues for common disposition. My thought was, and I  
10 think this is reflected actually in an order that might be posted  
11 soon by the court, is we will have an announced date certain of  
12 August 1 by which we say file your underlying actions, there are  
13 good reasons to do so dealing with the statute of limitation, but  
14 file your action by that date.

15 And assuming that we have a sufficient population filed,  
16 we will then follow with an amendment to the master complaint which  
17 will lead to 12(b) motion practice. But, of course, by then we  
18 will have reached some of that with the bellwether trials.

19 THE COURT: Let me ask you this. The amended complaint  
20 as we envision it today, is it going to be more in the way of a  
21 supplement such that the claims against the contractor defendants  
22 can be stated or is it going to be an amendment that's going to be  
23 more encompassing relative to claims against manufacturing  
24 defendants or claims again the government? I think we already have  
25 a master complaint that covers all of the states involved and all

1 of the claims under state law for each of those states.

2 MR. MEUNIER: We're not interested in revisiting with an  
3 amendment matters that either were or should have been addressed  
4 previously as to the government and the manufacturers.

5 THE COURT: Okay. Good.

6 MR. MEUNIER: So I think the amendment is focused on the  
7 newly added defendants and the claims against them.

8 THE COURT: So it's again, not to be hypertechnical about  
9 names, it's more like a supplemental.

10 MR. MEUNIER: It will be supplemental, yes, your Honor.

11 THE COURT: Okay. Supplemental master complaint.

12 Is there anything else on the report, counsel, that any  
13 of you all would like to mention?

14 MR. MEUNIER: There is another correction we want to  
15 make.

16 MR. D'AMICO: Your Honor, as to the, C, page 12 -- Frank  
17 D'Amico on behalf of the PSC -- the bellwether trial selection  
18 discovery. The PSC has made available for deposition one  
19 individual, it says two, one was selected by the PSC as their  
20 selection so we went forward with one deposition yesterday.

21 THE COURT: And this is on the Forest River case?

22 MR. D'AMICO: Yes. For the limited purpose, because we  
23 added new Plaintiff Fact Sheets at the last minute, we allowed this  
24 deposition to go forward.

25 THE COURT: So we need to correct that to say one instead

1 of two?

2 MR. D'AMICO: That's correct, your Honor.

3 THE COURT: All right. Anything else with regard to the  
4 report? Mr. Weinstock, anything?

5 MR. WEINSTOCK: No, your Honor. But I believe we agreed  
6 in chambers we would remove the attachment, we would take out  
7 Section IX, all reference, too.

8 THE COURT: Right. And Mr. Miller, Mr. Dinnell, anything  
9 from the government?

10 MR. MILLER: Nothing further from the United States, your  
11 Honor. Thank you.

12 MR. MEUNIER: Judge, there is a final section  
13 Miscellaneous in the report, it does deal with something that is  
14 important and that is the testing of the units.

15 My understanding from your Honor is that you want these  
16 bellwether plaintiff cases to involve units that have been tested.  
17 That is certainly our expectation and understanding. But to the  
18 extent that there is a selected plaintiff whose unit for some  
19 reason has not been tested, we do have an agreement with Mr. Miller  
20 that expedited efforts will be undertaken to get that unit tested  
21 believing that it is somewhere stored by the government and test  
22 results might be of some help.

23 THE COURT: Hopefully, yeah, it will be available and can  
24 be submitted for testing in short order. There was at one time,  
25 and maybe we don't need to go there today, but there was the idea

1 of the statistical analysis, which is still on the table but is  
2 not, I would think is not going to be relevant for the bellwether  
3 trials.

4 MR. MEUNIER: That's true, Judge. And it remains to be  
5 seen when and how that statistical model will be presented to you  
6 for scrutiny. We frankly have invested a lot of time and money in  
7 that model and we undertook it, as you know, when the class action  
8 was pending because we didn't want any absent claimants in this  
9 case to be premised by the fact that the government had dispose of  
10 this property and yet by the time that plaintiff came forward, that  
11 may have happened and the evidence would be lost.

12 So what we have is what we believe to be a reasonable  
13 model that will substitute for actual test results, a probable  
14 result based on the model.

15 It was my understanding that, at least for this first  
16 series of bellwether trials, the court was not inclined to bring  
17 the model in to play, if you will. It does introduce Daubert  
18 issues, it does introduce a whole different area of scientific  
19 analysis, and our belief was that if we proceed at least in the  
20 first series of bellwether trials with actual results then later we  
21 can address a unit, the results of which would depend on this model  
22 coming into evidence.

23 THE COURT: All right. That's correct.

24 Let me again open the floor to further discussion about  
25 either anything we've already talked about up to this point or any

1 new issues that any of you all would like to bring up. Yes,  
2 Mr. Schmidt.

3 MR. SCHMIDT: Doug Schmidt. I wasn't in the meeting, of  
4 course, this morning, and I just wanted to say if you could clarify  
5 about filing our lawsuits. We can't file it into the MDL?

6 THE COURT: Can't file directly into the MDL.

7 MR. SCHMIDT: So how does that effect our prescription  
8 problems?

9 THE COURT: It shouldn't effect your prescription. To me  
10 it's a separate issue. You will have to file them in the  
11 appropriate venue and jurisdiction, whether it's state court or in  
12 another district of federal court, at which point they're going to  
13 be undoubtedly removed from state court and then they'll be sent to  
14 the MDL.

15 So from my point of view, and perhaps from many of your  
16 points of view, that involves the additional step or steps plus the  
17 consumption of time and perhaps even the consumption of -- maybe on  
18 the defendant's side some fees and costs involved. I would like to  
19 see, I would like to see a different process, one that's more  
20 streamlined. But we haven't achieved that yet and I can't order a  
21 different procedure --

22 MR. SCHMIDT: So it has to be agreed on by the government  
23 and the manufacturers before we do that?

24 THE COURT: In the Vioxx case it was agreed to by the  
25 manufacturer.

1           There are other issues that have come up relative to the  
2 government's status as a defendant under Federal Tort Claims Act  
3 provisions that can't be ignored in my opinion.

4           MR. SCHMIDT: Now, let me ask you this, your Honor. Are  
5 we going to be able to string file these in these other  
6 jurisdictions? I mean, if you have 3,000 clients, are they going  
7 to make you pay a fee of \$340 each client and so you have to pay \$1  
8 million filing fees which you can put it into an MDL?

9           THE COURT: I don't know how they do it elsewhere and I  
10 don't want to comment on what our clerk's offices are going to  
11 require. I certainly hope not. I don't know that there is a  
12 prohibition between combining the claims of the plaintiffs in a  
13 single action, I hardly think that that would be the case. But  
14 that's an issue that you're going to have to take up and perhaps  
15 you can work something out between liaison counsel and defense  
16 counsel.

17           MR. SCHMIDT: Not to belabor the point --

18           THE COURT: It is a good point and it is a laborsome  
19 point, so I am glad you're asking this. Look, I am with you that  
20 there's got to be a better way to do this, but go ahead.

21           MR. SCHMIDT: The only thing I would say, I really hope  
22 we can put our heads together on this because it's been done in  
23 Minnesota with the devices, it's been done all over.

24           THE COURT: Oh, I know.

25           MR. SCHMIDT: It's so complicated that we can't get it

1 going. I mean, justice, let's get justice served. Let's get the  
2 ball rolling.

3 THE COURT: In all of those cases, the ones that you've  
4 just mentioned, I don't know the other ones that you're thinking  
5 about, but in all of the cases that I have looked at, they did not  
6 involve the government as a defendant. And I don't mean to keep  
7 putting the goat horns on the government here, but the provisions  
8 of law that they are citing relative to Federal Tort Claims Act  
9 filing are pretty clear in my mind and it can't be ignored.

10 MR. SCHMIDT: You don't have the authority to waive it or  
11 overrule it?

12 THE COURT: Not based on what I have read from plaintiffs  
13 at this point. I don't think that I can order them to waive a very  
14 clear provision of the Federal Tort Claims Act. I can encourage  
15 them to do that and I've done that, to either come up with, either  
16 agree with the plaintiffs and the defendants to agree to a direct  
17 filing mechanism here, which would be my preference; or to come up  
18 with some other way to expedite the submission of claims directly  
19 into the MDL.

20 MR. SCHMIDT: I really appreciate your efforts. Thank  
21 you, your Honor.

22 THE COURT: While I am encouraging it as vigorously as I  
23 can, I am duty bound not to ignore the law. I am not suggesting  
24 that you're saying that I should, but I am just saying having  
25 looked at the briefs and when you look at the order I submitted

1 today, it basically says that for the reasons stated by the  
2 government in its brief, I don't feel like I am authorized to do  
3 that. If I can be convinced otherwise, I certainly would. But I  
4 am sure the government would want to weigh in on it again.

5 So I am sympathetic to your plight and I am very much  
6 open to any resolution of that. From my point of view it slows  
7 down the progress of the case; from your point of view you have the  
8 issue of financial costs. It's a lot messier, so.

9 MR. MILLER: Your Honor, Henry Miller for the United  
10 States. Just to point out to plaintiffs counsel, what I would  
11 suggest, having worked with MDL before, when you file in another  
12 jurisdiction, all you have to do is send a letter to the  
13 Multidistrict Panel notifying them simultaneously that this case  
14 has been filed and it arises out of the same circumstances and  
15 facts as this MDL action. The MDL court will then automatically  
16 transfer it over so it is not that laborious as it may seem.

17 You just have to file your action in the appropriate  
18 venue, a Mississippi case, Alabama case or Texas case, immediately  
19 shoot a letter up to the MDL panel in Washington, and they will  
20 automatically transfer based on that.

21 THE COURT: The clerks offices should know and are all  
22 too willing to send cases here, which is fine with me. I have told  
23 the clerks of all three districts in Louisiana and I have told  
24 several of the judges in other districts to please, whenever one  
25 crosses their desk or their counter, to please tag it to come here

1 directly and as promptly as possible. So, you know, I am all in  
2 favor of expediting it. They're going to wind up here eventually  
3 so let's get them here and deal with them here.

4 All right. Anybody have any other issues that we want to  
5 talk about before we adjourn? Anything at all? Questions,  
6 comments?

7 MR. PERCY: Date for the next status conference, your  
8 Honor.

9 THE COURT: Oh, good point. Let's see. Does anybody  
10 have any objection to sometime in June or July, a Friday in June or  
11 July? Do we need one sooner, do you think, or do you think we need  
12 one later than that? I would prefer not to go later.

13 MR. MEUNIER: Judge, I think maybe sooner, maybe May.

14 THE COURT: Okay. How does May 8th look for you all? I  
15 need to double check something, May 8th or May 1st.

16 MR. MEUNIER: I think May 8th is better.

17 THE COURT: May 1st actually is not, I'm looking at it  
18 now, is probably not the best date for me either.

19 Let me double check on something on May 8th. If everyone  
20 can do May 8th or most of us can do May 8th, does that work?

21 MR. MEUNIER: Yes, your Honor.

22 MR. WEINSTOCK: Yes, your Honor.

23 THE COURT: Let me just double check, Pam's going to  
24 check on one thing, and we will do again 8:45 with the committees  
25 and 10 o'clock hopefully back in my regular courtroom. They've

1 promised me that it's going to be finished by April 17th, but you  
2 know how that goes.

3 Let me double check when Pam comes back. May 8th looks  
4 like the best date.

5 The Fifth Circuit Judicial conference starts on May the  
6 3rd, it's the weekend before and ends, for those of you who might  
7 be attending or be involved in it, I believe it ends on Wednesday,  
8 May the 6th.

9 Let's go ahead and take May 8th, 8:45 and 10 o'clock.

10 And in the meantime if any issues come up, counsel know  
11 to contact me. All right. Good. Thank you all very much.

12 MR. WEINSTOCK: Thank you, your Honor.

13 MR. MEUNIER: Thank you, your Honor.

14 MR. MILLER: Thank you, your Honor.

15 THE DEPUTY CLERK: All rise.

16 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED.)

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REPORTER'S CERTIFICATE

I, Karen A. Ibos, CCR, Official Court Reporter, United States District Court, Eastern District of Louisiana, do hereby certify that the foregoing is a true and correct transcript, to the best of my ability and understanding, from the record of the proceedings in the above-entitled and numbered matter.

A handwritten signature in cursive script that reads "Karen A. Ibos". The signature is written in black ink and is positioned above a horizontal line.

Karen A. Ibos, CCR, RPR, CRR

Official Court Reporter