

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

IN RE: FEMA TRAILER
FORMALDEHYDE PRODUCTS
LIABILITY LITIGATION

MDL NO. 07-1873

SECTION N-5
JUDGE ENGELHARDT
MAG. JUDGE CHASEZ

THIS DOCUMENT RELATES TO:
ALL CASES

**NOTICE BY DEFENDANT UNITED STATES OF AMERICA REGARDING
HOW AN APPLICANT OR CO-APPLICANT WHO APPLIED FOR AND
RECEIVED A FEMA EHU MAY CALL TO OBTAIN HIS OR HER FEMA
IDENTIFICATION NUMBER FOR MATCHING PURPOSES**

Defendant United States of America (“United States”) hereby issues the following Notice to all parties involved in this Multi-District Litigation. A number of questions have arisen regarding whether Plaintiffs who applied for and received disaster assistance from FEMA in the form of an emergency housing unit (“EHU”) following Hurricane Katrina/Rita may call FEMA to obtain their FEMA ID number.¹ This Notice provides guidance on what is required of Plaintiffs who call FEMA and request that they be provided their FEMA ID over the phone.

Plaintiffs who need to call FEMA and request their FEMA ID should take the following steps:

- 1. Call (800) 621-FEMA and press # to speak with a FEMA agent representative.**

¹ Plaintiffs who did not apply for and receive an EHU or Plaintiffs who lived in someone else’s EHU should not call FEMA, as their FEMA ID (if they have one) is not relevant to the matching process.

2. **Inform the FEMA agent that they applied for and received FEMA assistance in the form of an emergency housing unit (trailer) following Hurricane Katrina/Rita.**
3. **Inform the FEMA agent that they cannot find their FEMA ID and no longer have any of their correspondence containing their FEMA ID.**
4. **Inform the FEMA agent that they would like to obtain their FEMA ID number for their records.**
5. **Provide the following personal information to the FEMA agent so that the caller's identity may be verified and the FEMA ID may be provided:**
 - a. **Their first and last name.**
 - b. **Their Social Security Number.**
 - c. **Their damaged dwelling address.**
 - d. **Their damaged dwelling telephone number.**
 - e. **Their current mailing address (on file with FEMA).***
 - f. **Their current telephone number (on file with FEMA).***

*** When an applicant is unable to provide the current mailing address or current phone number that is on file with FEMA, the FEMA agent may request the applicant's date of birth in lieu thereof.**

This information was previously explained during the deposition of Bellance R. "Faye" Green on October 16, 2009.² *See* Exhibit 1, Green Depo P72:L3 – P72:L13 (explaining what information must be provided to the FEMA representative in order to verify the identity of the caller before FEMA may provide that individual's FEMA ID number). The caller must comply with the specific requirements listed above. *See id.* at P70:L8 – P73:L5 (discussing the restrictions of the Privacy Act of 1974). If the applicant or co-applicant caller is unable to provide any of the requested information, the FEMA agent may not release the requested FEMA

² Faye Green is a FEMA employee and Center Manager for the National Processing Service Center in Hyattsville, Maryland, where FEMA representatives take calls from applicants seeking information, including their FEMA ID.

ID to the caller. **Please note that individuals who did not actually apply for FEMA assistance do not have a FEMA ID.** These persons should not call FEMA requesting a FEMA ID. In addition, individuals who resided in an EHU but were not the person who applied for and was issued the EHU (e.g., if the person lived in the EHU of a parent, relative, or friend) must have the applicant or co-applicant who actually applied for and was issued the EHU call and request their FEMA ID. As most recently set forth in Joint Report No. 14 (Rec. Doc. 10417) at page four, the FEMA ID of the head of household or co-applicant who was issued the EHU occupied by a Plaintiff is the key to the matching process.

Dated: January 26, 2010

Respectfully Submitted,

TONY WEST
Assistant Attorney General, Civil Division

HENRY MILLER
ADAM BAIN
Senior Trial Counsel

J. PATRICK GLYNN
Director, Torts Branch, Civil Division

ADAM DINNELL
MICHELLE BOYLE
MICHELE GREIF
Trial Attorneys

DAVID S. FISHBACK
Assistant Director

OF COUNSEL:
JORDAN FRIED
Associate Chief Counsel

//S// Jonathan R. Waldron
JONATHAN R. WALDRON
(MO Bar No. 58898)
Trial Attorney
United States Department of Justice
Civil Division – Torts Branch
P.O. Box 340, Ben Franklin Station
Washington, D.C. 20004
Telephone No: (202) 307-2091
E-mail: Jonathan.Waldron@USDOJ.Gov

JANICE WILLIAMS-JONES
Trial Attorney
FEMA/DHS
Department of Homeland Security
Washington, D.C. 20472

Attorneys for the United States of America

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2010, the foregoing document was filed via the U.S. District Court's CM/ECF electronic filing system and a copy thereof was served upon Liaison Counsel.

//S// Jonathan R. Waldron
JONATHAN R. WALDRON
(MO Bar No. 58898)

Page 70

1 are the main duties or responsibilities of the
 2 applicant services for lack of a better term --
 3 department?
 4 A. The primary function is they staff our
 5 call center which means they answer calls for
 6 registration or help line and they actually do the
 7 case processing.
 8 Q. If an individual wanted to -- for example,
 9 if I wanted to find out what my FEMA ID number is, I
 10 had filed one during Hurricane Katrina but I can't
 11 recall it and I made a call to the 1-800 number -- I
 12 think it's 1-800-something, F-E-M-A, would that go
 13 through the applicant services department, that
 14 question?
 15 MR. WALDRON: Object to vagueness. You
 16 can answer.
 17 THE WITNESS: Staff and applicant services
 18 section would be the ones to answer that particular
 19 phone call and provide that assistance.
 20 BY MR. WOODS:
 21 Q. And do you know at one point applicants
 22 were able to call the 1-800 number to inquire about

Page 71

1 their FEMA ID number and then at some point that
 2 ability was limited, mean that individuals who called
 3 that number to inquire about their FEMA ID number and
 4 then were told that such a request had to be made in
 5 writing?
 6 Do you have any information or are you
 7 aware of that particular decision?
 8 MR. WALDRON: Objection. Assumes facts
 9 not in evidence.
 10 THE WITNESS: I'm not aware of that.
 11 BY MR. WOODS:
 12 Q. So are you aware as you sit here today if
 13 an individual called to inquire about their FEMA ID
 14 number, is that information that they can still be
 15 given over the telephone today?
 16 A. It can be, but in order to give that
 17 information out, our agents are required to -- the
 18 applicant has to have some information to provide to
 19 the agent so that we can verify that we are giving
 20 that information out to the proper person.
 21 So, you can't just call up and say my name
 22 is John Smith, what's my ID number? So, there is a

Page 72

1 verification process to access the file and to give
 2 that information out.
 3 Q. What verification information would you
 4 need in order for that information to be given out?
 5 A. We would need either their Social, their
 6 name, the damaged dwelling address, their current
 7 mailing address, their damage telephone number, their
 8 current telephone number. So we would have to go
 9 through and be able to verify all of that to access
 10 the file and then provide that information.
 11 Q. All of this information would be required
 12 before you would give someone that FEMA ID number?
 13 A. Yes.
 14 Q. Pretty funny. I never had to do that to
 15 get my own FEMA ID number. I only had to give my
 16 Social Security Number to get it.
 17 MR. WALDRON: Objection. Assumes facts
 18 not in evidence.
 19 BY MR. WOODS:
 20 Q. So is that a recent change to the rules?
 21 MR. WALDRON: Same objection.
 22 THE WITNESS: It hasn't been a recent

Page 73

1 change and when we open up the file and you only gave
 2 your Social, if they didn't verify your address and
 3 your phone numbers then that would have been an error
 4 on the part of the agent that you talked to, because
 5 those have been our procedures for a number of years.
 6 BY MR. WOODS:
 7 Q. Maybe I just got lucky that day.
 8 If you would, on page 4 of your
 9 declaration, paragraph 8. This is discussing the
 10 production and the creation and production of 4,791
 11 IA files, the last sentence says: "For this work to
 12 be completed on such an expedited basis, a contractor
 13 would need to be hired."
 14 If you have 280 employees that are working
 15 in applicant services, why would a contractor need to
 16 be hired to produce this?
 17 A. We couldn't dedicate all 280 to this
 18 function. We have other responsibilities and
 19 disaster can occur at any time and we would need to
 20 dedicate all of our resources. And from time to time
 21 even the four or five people in the section are
 22 dedicated to duties that have a higher priority, such