

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

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**IN RE: FEMA TRAILER  
FORMALDEHYDE PRODUCTS  
LIABILITY LITIGATION**

**MDL NO. 1873  
SECTION "N" (4)**

**THIS DOCUMENT IS RELATED TO**  
*Phyllis Laney v. The United States of  
America, et al*  
*Civil Action No. 08-4630*

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**JUDGE ENGELHARDT  
MAG. JUDGE ROBY**

**MOTION TO DISMISS ON BEHALF OF SILVER CREEK HOMES, INC.**

NOW INTO COURT, through undersigned counsel, comes Defendant SILVER CREEK HOMES, INC. (hereinafter "SILVER CREEK"), who hereby file this Motion to Dismiss the Complaint filed in *Laney, et al v. The United States of America, et al*, U.S. District Court, Eastern District of Louisiana, Docket No. 08-cv-04630 (Doc. 1) the "*Laney Complaint*") and transferred into MDL-1873 pending in the U.S. District Court, Eastern District of Louisiana. In support of the Motion to Dismiss the Complaint filed in *Laney v. The United States of America*, Docket No. 08-04630 (the "*Laney Complaint*") (Doc. 949), SILVER CREEK hereby adopts by reference the Motion to Dismiss filed by Defendants Southern Energy Homes, Inc., Giles Industries, Inc., and SunRay RV, LLC, including all attachments made thereto and all arguments, authorities and requests for relief set forth therein. SILVER CREEK

has attempted to contact Mr. Jack W. Harang, the plaintiffs' attorney, to inquire in advance of filing this Motion to Dismiss whether it would be opposed by plaintiffs. Mr. Harang has not returned undersigned counsel's telephone calls and has not responded to correspondence regarding the same. As such, SILVER CREEK attaches hereto a Notice of Hearing.

*Respectfully submitted:*

*/s/ Walter K. Jamison*

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Counsel for **SILVER CREEK HOMES, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon all counsel of record participating by the CM/ECF system, and that if there are any counsel that do not participate in the CM/ECF system, a copy will be sent to such counsel by U.S. mail, postage prepaid and properly addressed, this 22<sup>nd</sup> day of January, 2009.

*/s/ Walter K. Jamison*

**WALTER K. JAMISON, III**  
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