

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. 09-2977

### **ORDER AND REASONS**

Before the Court is Shaw Environmental, Inc's Motion in Limine to Exclude Expert Testimony of Charles David Moore (Rec. Doc. 11417). This motion is opposed by Plaintiff. (See Rec. Doc. 11709).

For substantially the same reasons set forth in Plaintiff's Response Memorandum (Rec. Doc. 11709), **IT IS ORDERED** that **Shaw Environmental, Inc's Motion in Limine to Exclude Expert Testimony of Charles David Moore (Rec. Doc. 11417)** is **DENIED**. Specifically, Shaw Environmental, Inc. ("Shaw") has not challenged Moore's qualifications to testify as a civil engineer in this case. Further, the Court finds that, on the showing made, the reliability requirement has been satisfied as Moore has explained the methodology he used to evaluate the structural condition of Plaintiff's emergency housing unit ("EHU"). The Court finds that Moore's testimony is admissible; Moore may testify and give his opinion on whether Shaw's actions affected the condition of the EHU. However, Shaw may vigorously cross-examine Moore on the methodology he used and on

his opinions it claims are contrary to the facts at issue in this matter.

New Orleans, Louisiana, this 8<sup>th</sup> day of March, 2010.



**KURT D. ENGELHARDT**  
**United States District Court**