

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. 09-3251

ORDER

Before the Court is Recreation By Design, LLC's Motion in Limine Requesting that the Court Enter Its Prior Rulings Made in the *Wright* Trial as to Certain Similar Evidentiary Issues Relevant to This Matter (Rec. Doc. 13309). Recreation by Design, LLC ("RBD") has requested that this Court apply certain rulings made in the *Wright* bellwether to this matter. After considering the memoranda filed by the parties, the Court now addresses each request.

1. References to (1) jurors', or others', status as taxpayers in connection with (2) FEMA's use of federal tax funds in purchasing, distributing, or storing FEMA EHUs in response to Hurricanes Katrina and Rita - granted as expressly unopposed by Plaintiff. See the limitation set forth in Rec. Doc. 12448. However, the Court agrees with Plaintiff that RBD shall

similarly refrain from inquiring into, or referencing, Plaintiff's status as a recipient of taxpayer benefits.

2. References to the residents of FEMA EHUs as "victims" - granted to the extent that no EHU resident shall be characterized as a "victim."
3. References to shortages or substitutions of construction materials relating to units procured by FEMA - granted as expressly unopposed by Plaintiff. See the limitation set forth in Rec. doc. 12448.
4. References that the travel trailer industry was "plagued" with formaldehyde problems in the 1970s - granted as expressly unopposed by Plaintiff. See the limitation set forth in Rec. doc. 12448.
5. References to Dr. Wedner practicing medicine without a medical license - granted as expressly unopposed by Plaintiff. See the limitation set forth in Rec. doc. 12448.
6. Any references to building codes - This request is already the subject of a pending motion (See Rec. Doc. 13304), and as such, will not be addressed herein. **The Court urges the parties, as it has previously done in this MDL, to NOT raise issues more than once in multiple motions. With over 35 pre-trial motions filed relating to this bellwether trial alone, addressing the same issues in multiple motions causes confusion and creates unnecessary work for both the Court and the parties.**
7. References to the November 2008 report by the Lawrence Berkeley National Laboratory - granted as expressly unopposed by Plaintiff. See the limitation set forth in Rec. doc. 12448.

Considering the foregoing, IT IS ORDERED that Recreation By Design, LLC's Motion in Limine Requesting that the Court Enter Its Prior Rulings Made in the *Wright* Trial as to

Certain Similar Evidentiary Issues Relevant to This Matter (Rec. Doc. 13309) is GRANTED,
as expressed herein.

New Orleans, Louisiana, this 5th day of May, 2010.



KURT D. ENGELHARDT
United States District Court