

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

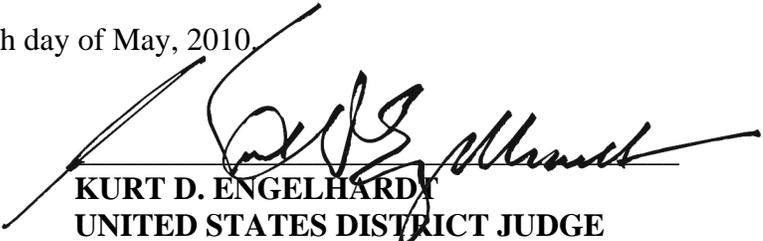
ORDER AND REASONS

Before the Court is Recreation By Design, LLC's Motion for Leave to Submit Supplemental Expert Report (Rec. Doc. 13939). In this motion, Recreation By Design, LLC ("RBD") requests leave to submit the supplemental expert report of its expert, Robert C. James, Ph.D, who would address smoking and the effects of smoking in relation to Plaintiff's claims, including her alleged injuries related to exposure to formaldehyde in her emergency housing unit ("EHU"). RBD explains that it was not until April 12, 2010 that Plaintiff's daughter, Laverne Williams, was deposed and testified that Plaintiff did have a history of smoking. This testimony contradicts Plaintiff's testimony and her revised Plaintiff Fact Sheet. Based on the recently-discovered information, RBD asserts that good cause exists for an extension of the defense expert reporting deadline of March 1, 2010 for the limited purpose of RBD's submission of a supplemental report geared to this issue.

Plaintiff's response (Rec. Doc. 13963) states that she does not oppose RBD's request, as long as she can file a supplemental/rebuttal expert report addressing the issues Dr. James plans to discuss in his supplemental report. Under these circumstances, the Court finds this course of action to be fair. Accordingly,

IT IS ORDERED that **Recreation By Design, LLC's Motion for Leave to Submit Supplemental Expert Report (Rec. Doc. 13939)** is **GRANTED**. RBD may submit a supplemental expert report of Dr. James to address smoking and the effects of smoking on Plaintiff's claims. Plaintiff may, in turn, submit a rebuttal report tailored to Dr. James' supplemental report on this issue.

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



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE