

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 Plaintiff's Motion in Limine to Exclude References to Certain Incidents Relating to Dr. Miller (Rec. Doc. No. 13330), which is opposed by Recreation By Design, LLC ("RBD"). (See Rec. Doc. 13597).

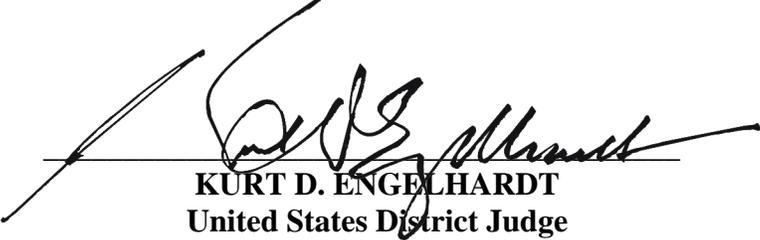
The Court concludes that testimony may be elicited from Dr. Miller regarding the circumstances surrounding his testimony in *Christophersen v. Allied-Signal Corp.* and regarding the unpublished scientific article written by him during his fellowship training at Harvard Medical School. Dr. Miller is an expert who was vetted by Plaintiff's counsel for participation in this case and was hired by Plaintiff's counsel, who presumably were aware of his background or at least aware of the information about Dr. Miller's career that is available in the public domain.¹ While

¹ Dr. Miller himself is undoubtedly aware of his career history and, as an expert witness, should be prepared to answer questions accordingly.

both of these incidents occurred approximately twenty years ago, the Court emphasizes that both were part of Dr. Miller's lengthy professional career in the very field in which he is being offered as an expert in this bellwether trial. Both incidents go to the jury's consideration of the weight to be given to Dr. Miller's testimony as an expert. The Court specifically reserves the right to all counsel to object on a question-by-question basis contemporaneous with the questioning of Dr. Miller on these subjects. Accordingly,

IT IS ORDERED that **Plaintiff's Motion in Limine to Exclude References to Certain Incidents Relating to Dr. Miller (Rec. Doc. No. 13330)** is **DENIED**.

New Orleans, Louisiana, this 13th day of May, 2010.



KURT D. ENGELHARDT
United States District Judge