

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. 09-2892

ORDER AND REASONS

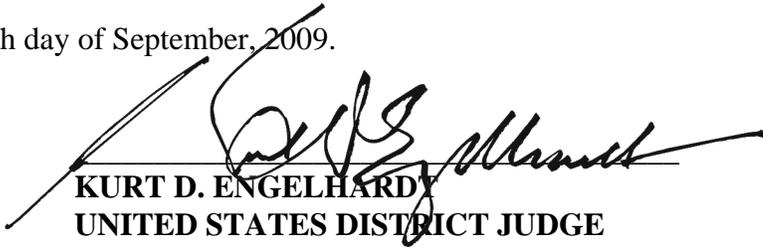
Before the Court is Gulf Stream Coach, Inc.'s Motion in Limine to Prohibit Any Testimony or Evidence Relating to the Testing of Other Emergency Housing Units (Rec. Doc. 2821). In this motion, Defendant Gulf Stream Coach, Inc. ("Gulf Stream") requests an Order prohibiting Plaintiffs from introducing any evidence/testimony of or reference by any fact or expert witness to the testing of other emergency housing units ("EHUs"). After considering the memoranda of the parties and the applicable law, the Court defers this motion to trial.

The Court is familiar with several of the expert reports of testifying expert witnesses in this litigation, and is also aware that those experts, as part of their testing and methodology, surveyed the formaldehyde level in various other Gulf Stream EHUs besides the Plaintiffs'. In such circumstance, only testing of other Gulf Stream units, for statistical purposes, shall be allowed, subject to cross examination. To that extent, clearly Gulf Stream's motion shall be denied.

As to testing of another Gulf Stream single unit by itself and not in the context of an expert's work, the Court cannot determine how such might be relevant without the context of that particular witness' testimony.

Considering the foregoing, **IT IS ORDERED** that **Gulf Stream Coach, Inc.'s Motion in Limine to Prohibit Any Testimony or Evidence Relating to the Testing of Other Emergency Housing Units (Rec. Doc. 2821)** is **DEFERRED TO TRIAL**.

New Orleans, Louisiana, this 8th day of September, 2009.



KURT D. ENGELHARDY
UNITED STATES DISTRICT JUDGE