

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

RULINGS ON OBJECTIONS ON DEPOSITION TESTIMONY¹ AT TRIAL

Pursuant to the Court's previous Order, various deposition transcripts have been provided to the Court of witnesses whose testimony will be presented to the jury by way of those transcripts, in lieu of live appearance. To the extent that the submitted transcripts have objections by counsel on the selected portions for trial, the Court has also obtained from counsel their respective positions regarding such objections. With regard to the witnesses listed below, these objections are resolved as follows: **to the extent that the Court makes no mention of an objection in this Order, such objection is hereby OVERRULED.** As for each other objection, the following are **SUSTAINED**.²

¹This Order pertains to the following witness: Karin Ann Pacheco, M.D. (July 15, 2009) and (July 16, 2009)

²When the Court sustains an objection, counsel presenting such testimony shall be responsible for editing the witness' videotape testimony accordingly.

I. Testimony of Karin Ann Pacheco, M.D. (July 15, 2009)

Page 22, Lines 5-9 – Sustained. Speculation.

Page 60, Line 20 - Page 61, Line 9 – Sustained. The Court is concerned about characterizing testimony with regard to this hypothetical question, which itself seems to call for pure speculation based upon such characterization.

II. Testimony of Karin Ann Pacheco, M.D. (July 16, 2009)

Page 214, Lines 9-20 – Sustained. Irrelevant, and, on the showing made, speculative as to Dr. Kornberg.

New Orleans, Louisiana, this 15th day of September, 2009.



KURT D. ENGELHARDT
United States District Court