

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

IN RE: FEMA TRAILER	*	MDL NO. 1873
FORMALDEHYDE	*	
PRODUCTS LIABILITY	*	
LITIGATION	*	SECTION: N(5)
	*	
This Document Relates to: <i>Lyndon T. Wright v.</i>	*	JUDGE: ENGELHARDT
<i>Forest River, Inc., et al</i> , Docket No. 09-2977	*	
	*	MAG: CHASEZ

JOINT STIPULATION OF FACTS

Plaintiff, Lyndon T. Wright, and defendants, Forest River, Inc. and Shaw Environmental, Inc., though their respective undersigned counsel, hereby jointly stipulate to both the authenticity, accuracy and admissibility at trial of the following facts:

1. The initial formaldehyde sampling taken via passive dosimetry of the Forest River unit bearing VIN 4X4TSMH296C008992 on October 1 and 2, 2008 by WD Scott Group was taken with an average interior temperature of approximately 85.3° F and average relative humidity of approximately 32.9%, and detected a formaldehyde concentration of .048 part per million (ppm), or 48 parts per billion (ppb).
2. When applying the Berge equation to the October 2008 sampling taken by the WD Scott Group (correcting the temperature calculation to 70° F), the sampling corrects from 48 ppb to 19 ppb.

3. An one-hour active formaldehyde sample was taken on August 8, 2009 by WD Scott Group of the same unit and pursuant to Plaintiff's testing protocol, which called for the unit to be closed and sealed for 72 hours prior to the sample collection, and found an indoor formaldehyde concentration of .095 ppm or 95 ppb, with an average interior temperature of 81.9° F and an average interior relative humidity of 86.6%.
4. A twenty-four hour passive dosimetry formaldehyde sample was taken by WD Scott Group, of the same unit and pursuant to the same Plaintiff testing protocol, on August 8 and 9, 2009, which found an indoor formaldehyde concentration of .130 ppm or 130 ppb at an average interior temperature of 84.9° F and an average interior relative humidity of 77.1%.
5. A one-hour active formaldehyde sample was also taken by Workplace Hygiene on August 8, 2009, contemporaneously with the sample taken by the WD Scott Group, and found an indoor formaldehyde concentration of .097 ppm or 97 ppb under the same environmental conditions.
6. Pursuant to the Defendants' testing, the trailer was ventilated for 29.5 hours and then air conditioned with the HVAC system set at 72° F for 48 hours prior to the sampling.
7. Workplace Hygiene collected a one hour active formaldehyde sample on August 13, 2009, pursuant to Defendants' testing protocol, and detected an indoor formaldehyde concentration of .035 ppm or 35 ppb.
8. Workplace Hygiene collected a twenty-four hour passive dosimetry sample on August 13 and 14, 2009 of the same unit, pursuant to Defendants' testing protocol,

and detected indoor formaldehyde concentrations of .044 ppm or 44 ppb.

9. When applying the Berge equation to the August 8 and 9, 2009 sampling taken by the WD Scott Group (correcting the temperature calculation to 70° F), the August 8, 2009 one-hour active sampling corrects from 95 ppb to 46 ppb, and the twenty-four hour passive dosimetry sampling corrects from 130 ppb to 53 ppb.
10. Furthermore, Defendants hereby dismiss their Motion *in limine* regarding William Scott as moot, Rec. Doc. 11397, in light of agreement by Plaintiff that William Scott will not be called as a witness at trial.

Respectfully submitted,

/s/ Frank J. D'Amico

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of February, 2010, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this file will be sent to all known counsel of record by operation of the court's electronic filing system.

/s/ Jason D. Bone