

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. 09-2977

ORDER AND REASONS

Before the Court is the Motion for Reconsideration of the Court's Ruling Granting Defendant's Motion to Strike the Addendum to Dr. Larry Miller's Expert Reports (Rec. Doc. 11695), filed by Plaintiff Lyndon Wright. After considering the memoranda filed by the parties and the applicable law,

IT IS ORDERED that the **Motion for Reconsideration of the Court's Ruling Granting Defendant's Motion to Strike the Addendum to Dr. Larry Miller's Expert Reports(Rec. Doc. 11695)** is **DENIED**, for all the same reasons as stated by Defendants Shaw Environmental, Inc. and Forest River, Inc. in their joint response memorandum (Rec. Doc. 11920). The Court sets deadlines and expects all to abide by them, absent good cause. Any information or topic that was included in Dr. Miller's notes could and should have been included in a report and exchanged by the expert report deadline. The timely-filed expert report governs; the Court sees no good valid reason for

allowing Plaintiff to file an addendum, which raises issues/ideas that were not originally referenced in the timely-filed expert report, three months after the expert report deadline. Thus, because Dr. Miller did not reference formaldehyde's alleged link to cancer, Wright's mental condition, or any of Wright's concerns about cancer in a timely-filed expert report (even though he admittedly had such knowledge/information when such reports were exchanged), he cannot testify to such at trial.

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



KURT D. ENGELHARDT
United States District Court