

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

PRETRIAL ORDER NO. 65

A pre-trial conference was held in this matter on May 6, 2010. In addition to the undersigned, and the undersigned's law clerk, Mikal Watts, Chris Pinedo, Randy Mulcahy, Scott Yount, Lyon Garrison, Dennis Reich, Andy Weinstock, and Robyn Lessinger attended.

During the conference, the Court **ORDERED** as follows:

(1) Any trial stipulations that have been reached are to be in writing, signed by all counsel, and submitted to the Court on or before **Thursday, May 13, 2010 at 5:00 p.m.** These stipulations are to include the statements of uncontested fact that are set forth in the pre-trial order. Any evidentiary stipulations that are not to be read to the jury shall also be in writing in a separate pleading, signed by all counsel, and submitted to the Court on or before **Thursday, May 13, 2010 at 5:00 p.m.**

(2) Short memoranda supporting objections to exhibits must be electronically filed or delivered to chambers and opposing counsel no later than **Monday, May 10, 2010, at 10:00 a.m.**

with oppositions thereto to be electronically filed or delivered to chambers no later than **Wednesday, May 12, 2010, at noon.** Counsel are to confer in advance to attempt to amicably resolve any objections to exhibits. A copy of the exhibit to which there is an objection is to be attached to the memorandum supporting the objection, unless the exhibit is voluminous.

(3) A list of potential witnesses/key figures and a proposed short description of the case (to insert into the voir dire script) must be electronically filed or delivered to chambers and opposing counsel no later than **Thursday, May 13, 2010, at noon.**

(4) Proposed voir dire questions, a proposed verdict form (the form from the *Wright* bellwether shall be the template), and proposed jury instructions (the instructions from the *Alexander and Wright* bellwether shall be the template) must be electronically filed or delivered to chambers and opposing counsel no later than **Monday, May 10, 2010, at noon.** These documents shall also be transmitted (in WordPerfect or Word format) to the undersigned's law clerk at amanda_ballay@laed.uscourts.gov no later than **Monday, May 10, 2010, at noon.** The parties are to attempt to agree on a joint proposed jury verdict form. Any objections to proposed voir dire questions, jury instructions, and the jury verdict form shall be electronically filed or delivered to chambers and opposing counsel no later than **Wednesday, May 12, 2010, at noon.**

(5) Expert witness reports must be submitted to chambers no later than **Wednesday, May 12, 2010, at 5:00 p.m.** These reports shall be tabbed and placed in a binder, which shall contain an index.

(6) Counsel are to prepare a joint exhibit disk with a single numbering system to be used at trial. Any *in globo* exhibits must contain page or Bates numbers.

The copy of the exhibit disk to be used by the judge during trial must be delivered to

chambers no later than **Thursday, May 13, 2010, at noon.** This disk shall be accompanied by list/index of the exhibits. Exhibits to which there are pending objections shall be delivered to the Court in hard copy, unless they are voluminous.

Counsel are to confer as discussed during the pre-trial conference regarding the submission of exhibits on paper. Counsel are to confer regarding preparation of copies of the exhibit book to be used by them during trial. A copy of the admitted exhibits also will be needed for jury deliberation and the Court's record for this action.

Any questions regarding the use of the Court's electronic exhibit display system, opaque projector, counsel's laptop computer, a television, and/or a DVD player in the courtroom shall be directed to Case Manager, Pam Radosta, at 504-589-7683.

(7) Unless otherwise agreed by counsel, any demonstrative exhibits (excluding enlargements of documents already identified in the pre-trial order as exhibits) are to be exchanged with opposing counsel no later than **Thursday, May 13, 2010, at 5:00 p.m.**

(8) Each side shall be allowed 25 minutes for opening statements and 45 minutes for closing statements, unless otherwise agreed in advance by counsel. Plaintiff shall be allowed to reserve up to 10 minutes for rebuttal argument to follow Defendant's closing argument.

(9) Unless otherwise ordered, the Court shall conduct all voir dire with input from counsel. Each side shall be allowed 3 peremptory challenges. A jury of 9 members shall be selected. All shall deliberate.

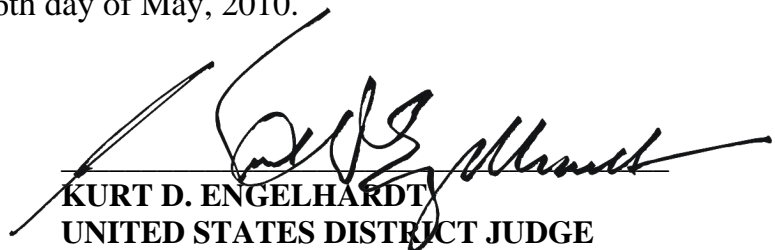
(10) Counsel are reminded that cell phones, beepers, and comparable devices are not allowed in the courtroom. They may be left with the undersigned's judicial assistant, Susan Adams, during the trial. Counsel are instructed to inform any witnesses of this policy. Laptop computers

may be in the courtroom if they are used in connection with the trial, and with prior notification to and approval by the Court.

(11) Any questions regarding the trial and/or trial preparation that are not addressed herein are to be directed to the undersigned's judicial assistant, Susan Adams, or law clerk, Amanda Ballay, at (504)589-7645, susan_adams@laed.uscourts.gov, or or amanda_ballay@laed.uscourts.gov.

(12) Counsel for each party have been provided with disks containing the completed juror questionnaires. **On or before Monday, May 10, 2010, at 5:00 p.m.**, counsel shall provide to the Court a list of potential jurors that both parties agree should be challenged for cause. Also at this time, counsel should provide to the Court and opposing counsel a list of cause challenges which shall include specific reference to the question at issue and shall state a brief reason for the challenge. Any responses to these challenges shall be filed **on or before Wednesday, May 12, 2010, at noon.**

New Orleans, Louisiana, this 6th day of May, 2010.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE