

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

ORDER AND REASONS

Before the Court is Defendant's Motion to Strike Plaintiff's References to an Alternative Design and Related Demonstrative Exhibit (Rec. Doc. 13308), which is opposed by Plaintiff Earline Castanel. (See Rec. Doc. 13571). After considering the memoranda of the parties and the applicable law,

IT IS ORDERED that **Defendant's Motion to Strike Plaintiff's References to an Alternative Design and Related Demonstrative Exhibit (Rec. Doc. 13308)** is **DENIED**. The Court concludes that, based on the expert opinions of Plaintiff's experts, Dr. Smulski and Mr. Mallet, Plaintiff has presented substantial expert opinion relating to alternative design and construction, and has presented applicable demonstrative exhibits which at least arguably illustrate these principles. Further, there has been no showing by Recreation By Design, LLC

(“RBD”) that any such testimony or use of the demonstrative aids would unfairly prejudice it.¹ RBD may, however, on cross-examination, point to the alleged deficiencies in these alternative design theories (i.e, as stated on Pg. 7 of Rec. Doc. 13308-1 and p. 2 of Rec. Doc. 13861).

New Orleans, Louisiana, this 11th day of May, 2010.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE

¹ Indeed, even RBD admits that, as for the mockups constructed by Mr. Mallet that purportedly show a “typical wall section of a travel trailer,” this demonstrative, or a similar one, was used in the recent Forest River bellwether trial.