

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

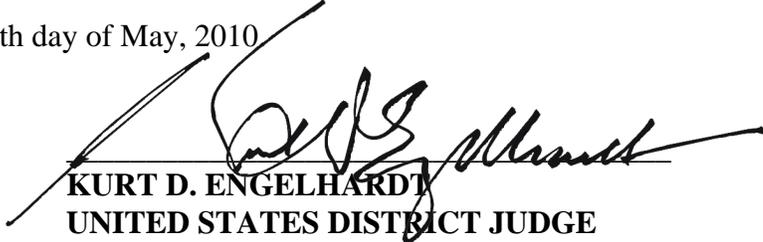
ORDER AND REASONS

First, **IT IS ORDERED** that **Defendant Recreation By Design, LLC's Motion for Leave to File** Motion to Strike the Testimony of Albert Jarrell (**Rec. Doc. 13955**) is **GRANTED**. Thus, presently before the Court is Recreation By Design, LLC's Motion to Strike the Testimony of Albert Jarrell (Rec. Doc. 13955-3), which is opposed by Plaintiff Earline Castanel. (See Rec. Doc. 14005). After considering the memoranda of the parties and the applicable law,

IT IS FURTHER ORDERED that **Recreation By Design, LLC's Motion to Strike the Testimony of Albert Jarrell (Rec. Doc. 13955-3)** is **DENIED IN PART AND PARTLY DEFERRED TO TRIAL**. First, Recreation By Design, LLC ("RBD") has argued that Jarrell should not be allowed to testify at trial without first being produced by Plaintiff for a sworn deposition. In light of the re-notice of Jarrell's deposition for May 10, 2010, RBD's argument is

now moot. Next, as this deposition presumably took place only yesterday, the Court has no way of knowing the substance of such testimony provided therein. Thus, the portion of this motion that relates to the relevancy of Jarrell's testimony is deferred to trial. However, general testimony that Jarrell smelled odors in FEMA trailers will not be permitted; rather, Jarrell's testimony must relate and be limited to having smelled odors in RBD trailers specifically, and even further, that those RBD trailers were of the type in which Plaintiff resided.

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



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE