

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. 09-2892

**ORDER AND REASONS**

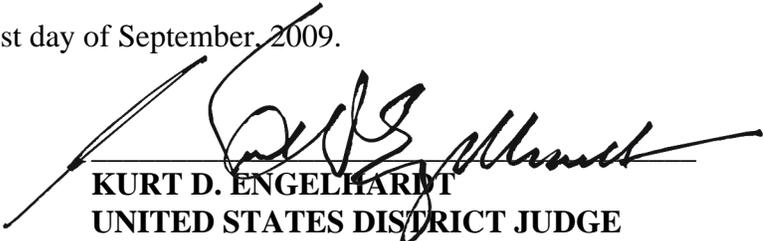
Before the Court is the Motion for Partial Summary Judgment or in the Alternative, Motion in Limine (Rec. Doc. 2720), filed by Defendant Gulf Stream Coach, Inc. ("Gulf Stream"). In this motion, Gulf Stream requests that this Court issue a summary judgment on Plaintiff's claim that the alleged defects in her emergency housing unit ("EHU") were the result of Gulf Stream's failure to test the EHU properly to evaluate the level of formaldehyde emissions. Alternatively, Gulf Stream requests that the Court exclude all evidence of Gulf Stream's alleged failure to test as it is irrelevant and highly prejudicial.

After considering the memoranda of the parties and the applicable law, the Court concludes that there are genuine issues of material fact that exist relating to whether Gulf Stream's failure to test the EHU rendered it unreasonably dangerous. Gulf Stream's alternative request to exclude such evidence is also denied because Gulf Stream's alleged failure to test is relevant to whether the EHU was unreasonably dangerous and as to whether Gulf Stream may

plead an affirmative defense under the Louisiana Products Liability Act (“LPLA”). Accordingly,

**IT IS ORDERED** that the **Motion for Partial Summary Judgment or in the Alternative, Motion in Limine (Rec. Doc. 2720)** is **DENIED**.

New Orleans, Louisiana, this 1st day of September, 2009.



**KURT D. ENGELHART**  
**UNITED STATES DISTRICT JUDGE**