

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 in Limine to Exclude Certain Irrelevant and Inflammatory Commentary of Counsel, Testimony and Evidence Related to Plaintiffs' Hurricane Katrina Evacuation Experience, and Any Reference or Evidence Related to Income of Gulf Stream Coach, Inc (Rec. Doc. 2883). After considering the memoranda of the parties and the applicable law, this Court rules as follows:

(1(a)) References to Trailers as "Chinese Quality" or "Chinese Grade": All such references are excluded, and the motion is GRANTED.

(1(b)) References to Trailers being "toxic" or Calling Trailers "toxic boxes": Such references to the trailers being "toxic" are admissible, as this goes to the issue presented in this case, and (though perhaps argumentative) is not unfairly prejudicial.

(2) Inflammatory Racial Commentary: Any such commentary is excluded, and the motion is GRANTED.

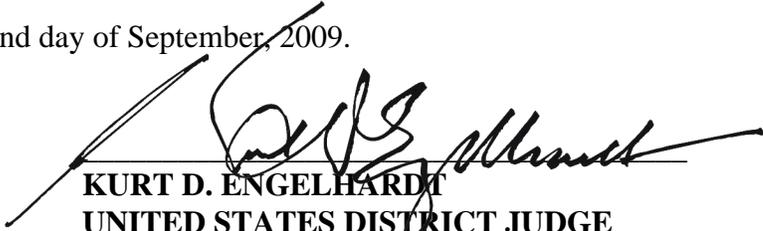
(3) References to Counsel of Gulf Stream and Other EHU Manufacturers as “Formaldehyde Counsel, Inc.”: All such references are excluded, and the motion is GRANTED.

(4) References, Testimony, or Evidence related to Plaintiffs’ Hurricane Katrina Evacuation Experience. The Court will not at this time exclude such references, testimony, and evidence. However, Plaintiffs are cautioned that trial time is limited, so details of such evacuation experience should be very limited. The Court may short-circuit any attempt to elicit irrelevant details.

(5) Any References to Gulf Stream Coach, Inc.’s Income related to its Production of EHUs. Such references shall be excluded, and the motion is GRANTED. As this Court has cautioned, this is a products liability case about two individuals who were provided emergency housing after Hurricane Katrina, resided in that housing, and who claim to have been injured as a result. This bellwether case is not about multimillion dollar government contracts that were entered into to satisfy a mass monolithic housing need.

Considering the foregoing, **IT IS ORDERED** that the **Motion in Limine to Exclude Certain Irrelevant and Inflammatory Commentary of Counsel, Testimony and Evidence Related to Plaintiffs’ Hurricane Katrina Evacuation Experience, and Any Reference or Evidence Related to Income of Gulf Stream Coach, Inc (Rec. Doc. 2883)** is **GRANTED IN PART AND DENIED IN PART**, as expressed herein.

New Orleans, Louisiana, this 2nd day of September, 2009.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE