

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 of Plaintiff Alana Alexander, Individually and on Behalf of Christopher Cooper (Rec. Doc. No. 2900), for an Order "prohibiting defendants' counsel from engaging in certain irrelevant and inflammatory commentary." The motion is opposed by defendants Gulf Stream Coach, Inc. and Fluor Enterprises, Inc. The Court rules as follows:

1. Evidence Not Produced in Discovery Response to a Proper Request.

Granted.

2. Pleadings Amendments.

Granted.

3. Prior Accidents or Injuries.

This issue is referred to trial.

4. Prior Misconduct or Personal Habits of Plaintiff.

This issue is referred to trial.

5. Attorneys' Fees or Lawsuit Abuse.

Granted.

6. *Voir Dire.*

Granted.

7. Annuity.

Granted.

8. Tax.

Granted.

9. Out of Court Statements.

This issue is referred to trial.

10. Testimony as to "Credibility."

Granted.

11. Comments Regarding Plaintiffs' Attorneys.

Granted.

12. Retention of Attorney.

This issue is referred to trial.

13. Witness Availability.

Granted.

14. Evidence not Produced in Pretrial Discovery.

Granted, except for impeachment evidence.

15. Vouching for Witness.

Granted, which ruling shall apply to all parties.

16. Reading from Journals, Texts, Articles.

Granted.

17. Stipulations Regarding the Admissibility of Evidence in the Presence of Jury.

Granted.

18. Reference to Government Code or Standard.

This issue is referred to trial.

19. Reference to Government Fines.

Granted.

20. Superseded Pleadings.

Granted.

21. Comments on Overloaded Court Systems.

Granted.

22. Lay Witnesses.

This issue is referred to trial, however, any opinion testimony from a lay witness must be in compliance with Federal Code of Evidence Rule 701.

23. Jury Consultants.

Granted.

24. Prior Judgments.

Granted.

25. Reference to Medical Examinations.

This issue is referred to trial.

26. Previously Filed Petitions.

Granted.

27. Must Approach the Bench Regarding Possible Inadmissible Evidence.

Granted.

28. Discussion of Plaintiffs' Experts.

This issue is referred to trial.

29. Medical "Testimony" by Attorneys.

Granted.

30. Opinion Testimony.

This issue is referred to trial.

31. Motion in Limine.

Granted.

32. Arrests.

This issue is referred to trial.

33. Prior Convictions of Plaintiff.

This issue is referred to trial.

34. Other Lawsuits/Claims.

This issue is referred to trial.

35. Collateral Source.

This issue is referred to trial.

36. William Dudek.

Moot.

37. Documentaries and the Like.

The Court is not clear on what this particular matter encompasses. Therefore, it is referred to trial.

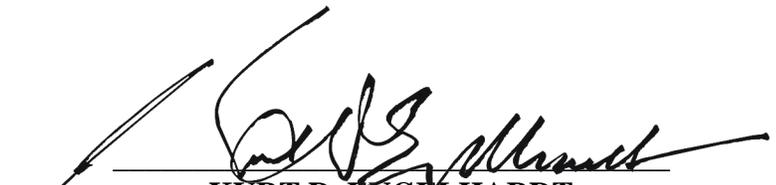
38. Marital Status.

Denied.

Counsel for all parties are reminded that rulings herein will apply across the board, i.e., what is not permitted by one party will not be allowed by another.

Considering the foregoing, **IT IS ORDERED** that the **Motion in Limine of Plaintiff Alana Alexander, Individually and on Behalf of Christopher Cooper (Rec. Doc. No. 2900)** is **GRANTED IN PART, DENIED IN PART, and PARTLY DEFERRED TO TRIAL.**

New Orleans, Louisiana, this 3rd day of September, 2009.


KURT D. ENGELHARDT
United States District Judge