

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 Evidence of Certain Formaldehyde Screening Devices (Rec. Doc. 2881), filed by Gulf Stream Coach, Inc. ("Gulf Stream"). In this motion, Gulf Stream requests an Order excluding all evidence of test results obtained through the use of a "Formaldemeter". After considering the memoranda of the parties and the applicable law, the Court denies this motion.

It is apparent from the memoranda that the "Formaldemeter" was utilized by certain fact witnesses (Gulf Stream employees Scott Pullin ("Pullin") and Burl Keel ("Keel")) on their mission to investigate the general situation with regard to formaldehyde complaints in or around March of 2006. Gulf Stream seeks to have the results of the use of the "Formaldemeter 400" device used by Pullin and Keel excluded as being unreliable. However, the undersigned concludes that the factual testimony of Pullin and Keel, including their use of the device and any results they gleaned therefrom, is nonetheless admissible.

Considering the foregoing, **IT IS ORDERED** that the **Motion in Limine to Exclude Evidence of Certain Formaldehyde Screening Devices (Rec. Doc. 2881)** is **DENIED**.

New Orleans, Louisiana, this 8th day of September, 2009.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE