

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

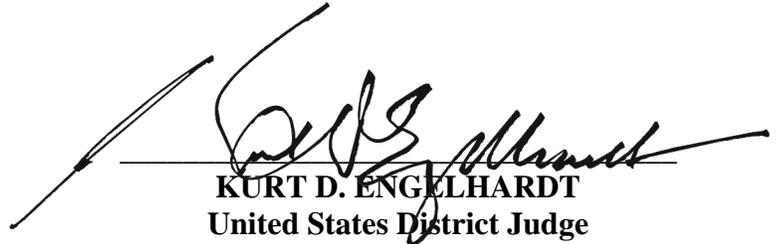
ORDER AND REASONS

Before the Court is Gulf Stream Coach, Inc.'s ("Gulf Stream") "Motion in Limine to Exclude Expert Testimony of James P. Kornberg, M.D., SC.D." (Rec. Doc. No. 2769). The motion is opposed by plaintiffs. The Court rules as follows.

Plaintiffs intend to call Dr. Kornberg as an expert in the field of occupational medicine and environmental science. He has provided a report to which defendant Gulf Stream provides critical analysis in its Memorandum in Support. For the most part, Gulf Stream's attack on the opinions of Dr. Kornberg constitute grist for the cross examination mill, and to that extent, Gulf Stream's motion is **DENIED**.

The Court is concerned, however, about the opinion Dr. Kornberg offers relative to “medical monitoring” and “risk assessment.” Therefore, Dr. Kornberg’s opinions in this regard will be the subject of a brief *Daubert* hearing to be held on the evening before the day of his anticipated testimony. Gulf Stream’s counsel will be allowed to cross examine Dr. Kornberg on this opinion, subject to redirect thereafter. At this time, based upon plaintiffs’ submission, the undersigned is not at all convinced that Dr. Kornberg’s opinions in this regard satisfy Rule 702.

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



KURT D. ENGLHARDT
United States District Judge