

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  
*Dubuclet v. Fleetwood Enterprises, Inc.*

Member Case No. 07-9228

**ORDER AND REASONS**

Before the Court is the Motion for Summary Judgment on Causation (Rec. Doc. No. 6659), urged herein by Defendant Fleetwood Enterprises, Inc. ("Fleetwood"). The motion is opposed.

In its motion, Fleetwood describes the various expert testimony anticipated to be adduced by plaintiff at trial. Fleetwood first argues, in this motion and in the separate *Daubert* motions it has filed in this matter, that these experts' opinions are unsupportable and therefore should be excluded and/or not considered by the Court. Fleetwood further argues that, even if these opinions were considered, they fall far short in establishing that Fleetwood was the cause of any of the plaintiff's purported injuries/damages. Plaintiff highlights passages from their various experts' reports that plaintiff claims creates genuine issues of material fact, i.e., a "battle of the experts", thus refuting Fleetwood's claim that plaintiff's own experts fail to establish causation.

Although Fleetwood comprehensively sets forth its argument as to why it believes the plaintiff cannot prevail in this case, i.e., lack of causation, the Court is not comfortable entering summary judgment, in light of the various experts' testimonies which will be presented to the jury. The Court cannot, at this stage, agree that there is such a dearth of evidence making summary judgment appropriate.

Therefore, the Motion for Summary Judgment on Causation filed herein by Fleetwood is **DENIED.**

New Orleans, Louisiana, this 24<sup>th</sup> day of November, 2009.



**KURT D. ENGELHARDT**  
United States District Judge