

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 Prohibit Plaintiffs' Reference to or Introduction of Evidence Regarding Unreasonable and Subsequently Passed Ambient Air Standards (Rec. Doc. 2887). In this motion, Defendant Gulf Stream Coach, Inc. ("Gulf Stream") requests an Order prohibiting plaintiffs from offering any testimony, reference to or evidence of any standards, levels or guidelines promulgated, adopted or set in place after December 2004 and/or after the alleged exposures in this case could have occurred (i.e. May 2006). After considering the memoranda of the parties and the applicable law, the Court rules as set forth herein.

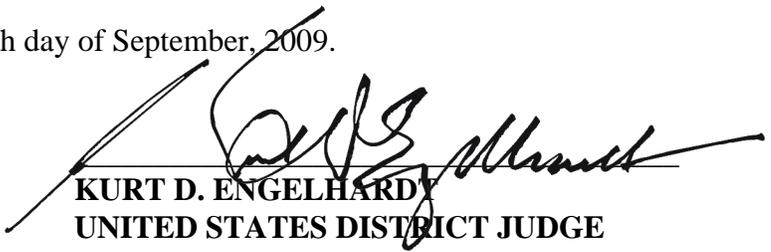
With regard to the preexisting air standards, the undersigned concludes that such may be relevant to demonstrate to the jury how various levels of formaldehyde are gauged, even if those levels are not deemed to be hazardous. The ultimate issue, of course, is what level is deemed hazardous to a person's health when residing in a Gulf Stream trailer such as the one at issue in

this case. Thus, these levels are relevant up through the time that Plaintiffs vacated the trailer at issue.

This motion is granted to the extent that any formaldehyde regulations or guidelines that were established after Plaintiffs vacated the trailer are excluded, as that time period is not relevant for purposes of formaldehyde inhalation for these particular plaintiffs.

Considering the foregoing, **IT IS ORDERED** that the **Motion in Limine to Prohibit Plaintiffs' Reference to or Introduction of Evidence Regarding Unreasonable and Subsequently Passed Ambient Air Standards (Rec. Doc. 2887)** is **GRANTED IN PART** and **DENIED IN PART**.

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



KURT D. ENGELHARDY
UNITED STATES DISTRICT JUDGE