

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

RULINGS ON OBJECTIONS ON DEPOSITION TESTIMONY¹ AT TRIAL

Pursuant to the Court's previous Order, various deposition transcripts have been provided to the Court of witnesses whose testimony will be presented to the jury by way of those transcripts, in lieu of live appearance. To the extent that the submitted transcripts have objections by counsel on the selected portions for trial, the Court has also obtained from counsel their respective positions regarding such objections. With regard to the witnesses listed below, these objections are resolved as follows: **to the extent that the Court makes no mention of an objection in this Order, such objection is hereby OVERRULED.** As for each other objection, the following are **SUSTAINED**:²

¹This Order pertains to the following witness: Kevin Souza (July 15, 2009).

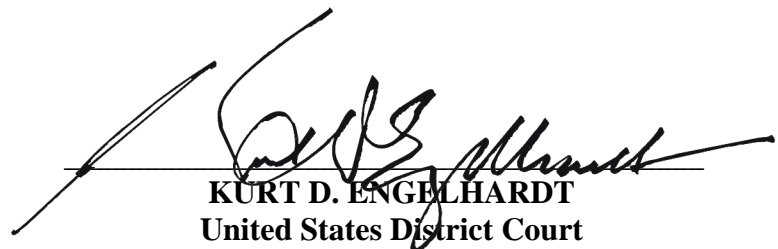
²When the Court sustains an objection, counsel presenting such testimony shall be responsible for editing the witness' videotape testimony accordingly.

I. Testimony of Kevin Souza (July 15, 2009)

Page 135, Lines 19 - Page 136, Line 12 – Sustained. These questions call for the recitation of an expert opinion which the witness learned from others, and for which there is no foundation. In addition, the questions propounded are of a leading nature, highly suggestive of an affirmative response.

The bulk of this witness' testimony concerns FEMA's procedures, investigation, and response, all of which is pertinent to affirmative defenses of defendants, and the apportionment of fault to FEMA, as will be called for on the jury verdict form. Therefore, all other objections have been overruled.

New Orleans, Louisiana, this 16th day of September, 2009.



KURT D. ENGELHARDT
United States District Court