

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

A pre-trial conference was held in this matter on September 3, 2009. In addition to the undersigned, and the undersigned's law clerk, Henry Miller, Adam Dinnell, Joe Glass, Andy Weinstock, Bob Hilliard, Chris Pinedo, Karen Whitfield, Tony Buzbee, Tim Scandurro, Charles Penot, Richard Sherburne, Jerry Meunier, and Justin Woods attended.

During the conference, the Court **ORDERED** as follows:

- (1) A revised pre-trial order is due to the Court by **Friday, September 4, 2009, at noon.**
- (2) **On or before Friday, September 4, 2009, at noon,** Fluor and Gulf Stream shall advise Plaintiffs and the Court who the corporate representative in attendance at trial will be for each.
- (3) Short memoranda supporting objections to exhibits must be electronically filed or delivered to chambers and opposing counsel no later than **Friday, September 4, 2009, at 5:00 p.m.,** with oppositions thereto to be electronically filed or delivered to chambers no later than **Tuesday,**

September 8, 2009, at 5:00 p.m. Counsel are to confer in advance to attempt to amicably resolve any objections to exhibits. A copy of the exhibit to which there is an objection is to be attached to the memorandum supporting the objection, unless the exhibit is voluminous.

(4) A proposed short description of the case (to insert into the voir dire script) must be electronically filed or delivered to chambers and opposing counsel no later than **Thursday, September 10, 2009, at 5:00 p.m.**

(5) Any additional proposed voir dire questions must be electronically filed or delivered to chambers and opposing counsel no later than **Tuesday, September 8, 2009, at 5:00 p.m.**

(6) Any stipulations that have been reached are to be submitted in writing, signed by all counsel, to the Court on or before **Thursday, September 10, 2009, at noon.** These stipulations are to include the statements of uncontested fact that are set forth in the pre-trial order.

(7) If deposition testimony is to be submitted in lieu of live testimony, counsel are to confer regarding the portions of the deposition transcript that are irrelevant. Those portions are to be redacted from the single transcript to be used at trial. Short memoranda identifying (by page and line numbers) and supporting any objections to the deposition testimony must be electronically filed or delivered to chambers no later than **Tuesday, September 8, 2009, at 5:00 p.m.,** with oppositions thereto to be electronically filed or delivered to chambers at the same time. The Court will need a copy of the redacted, condensed deposition transcript(s) to be able to rule upon any objection(s).

(8) Expert witness reports must be submitted to chambers no later than **Wednesday, September 9, 2009, at 5:00 p.m.**

(9) Counsel are to prepare a joint exhibit disk with a single numbering system to be used at

trial. Any *in globo* exhibits must contain page or Bates numbers.

The copy of the exhibit disk to be used by the judge during trial must be delivered to chambers no later than **Thursday, September 10, 2009, at 5:00 p.m.** Exhibits to which there are pending objections shall be placed on a separate disk and delivered to the Court in hard copy, unless they are voluminous.

A copy of the exhibit book to be used by the witness, if one is to be provided for use by the witness, must be brought to Court on the first morning of trial, and shall not contain any exhibits as to which there are pending objections, unless and until those objections are overruled by the Court. Counsel are to confer regarding preparation of copies of the exhibit book to be used by them during trial. A copy of the admitted exhibits also will be needed for jury deliberation and the Court's record for this action.

Unless otherwise ordered, counsel shall not provide a book of trial exhibits, or copies of any exhibits, to each jury member. Generally, exhibits are to shown by use of the Court's overhead projector and/or counsel's laptop computer. If is necessary for the jury to view an actual document, counsel are to have copies of that particular document to hand out to, and collect from, each juror at the relevant time.

Any questions regarding the use of the Court's electronic exhibit display system, opaque projector, counsel's laptop computer, a television, and/or a DVD player in the courtroom shall be directed to Case Manager Pam Radosta at 504-589-7683.

(10) Unless otherwise agreed by counsel, any demonstrative exhibits (excluding enlargements of documents already identified in the pre-trial order as exhibits) are to be exchanged with opposing counsel no later than **Wednesday, September 9, 2009, at 5:00 p.m.**

(11) Plaintiffs shall be allowed 25 minutes and each defendant shall be allowed 15 minutes for opening statements. Plaintiffs shall be allowed 60 minutes and each defendant shall be allowed 30 minutes for closing arguments, unless otherwise agreed in advance by counsel. Plaintiffs shall be allowed to reserve up to 15 minutes for argument to follow Defendants' closing arguments.

(12) Unless otherwise ordered, the Court shall conduct all voir dire with input from counsel. Plaintiffs shall be allowed 5 peremptory challenges, and Defendants shall together be allowed a total of 5 peremptory challenges. A jury of 9 members shall be selected. All shall deliberate.

(13) Counsel are reminded that cell phones, beepers, and comparable devices are not allowed in the courtroom. They may be left with the undersigned's judicial assistant, Susan Adams, during the trial. Counsel are instructed to inform any witnesses of this policy. Laptop computers may be in the courtroom if they are used in connection with the trial, and with prior notification to and approval by the Court.

(14) Any questions regarding the trial and/or trial preparation that are not addressed herein are to be directed to the undersigned's judicial assistant, Susan Adams, or law clerk, Amanda Ballay, at (504)589-7645, susan_adams@laed.uscourts.gov, or amanda_ballay@laed.uscourts.gov.

New Orleans, Louisiana, this 4th day of September, 2009.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE