

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 Fluor Enterprises, Inc.'s ("Fluor") "Motion *in Limine* to Exclude Certain Fact Testimony of Plaintiffs and Fact Witnesses" (Rec. Doc. #2885). In this motion, Fluor seeks to limit or exclude certain anticipated testimony from plaintiffs and other fact witnesses regarding events immediately prior to and following Hurricane Katrina, arguing that such testimony is irrelevant.

In response, plaintiffs state forthrightly that counsel "does not intend to go into details about her (plaintiff's) pre- or immediate post-Katrina experience. Plaintiff does not intend to discuss what the hurricane was like, or about staying in the Convention Center, sleeping on a bridge, etc." (Memorandum in Opposition, Page 2) Plaintiffs indicate that they anticipate eliciting testimony

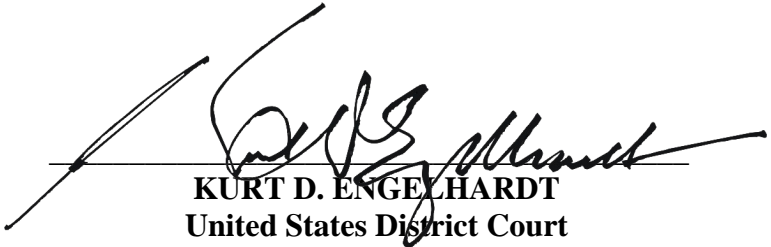
regarding the damage to the plaintiffs' home caused as a result of Katrina, their relocation to Jacksonville, Florida, and their return to New Orleans in May of 2006, at which time plaintiffs took up residence in the trailer which is the subject of this litigation.

The Court relies on the affirmative representations of plaintiffs' counsel, and reminds all parties that this case is not about the shortcomings of the City of New Orleans, the State of Louisiana, or the federal government, insofar as the immediate emergency response to Hurricane Katrina is concerned. This is a product liability and negligence case, not an opportunity to rehash tragic anecdotes about a sad time in the history of New Orleans. Moreover, the jury is surely well acquainted with the event of Hurricane Katrina, and the general situation experienced in the aftermath of that event.

The key facts regarding the plaintiffs in this case are that they resided in New Orleans at the time of the storm, they evacuated for a period of time to Jacksonville, Florida because their house was damaged by the storm, and they subsequently returned to New Orleans, at which time they resided in a Gulf Stream Cavalier trailer provided by FEMA and set up by Fluor. The odyssey which these plaintiffs may have experienced, though perhaps interesting, is not otherwise relevant to this litigation, and any attempts to spend valuable trial time eliciting sympathetic testimony which does not relate to the conduct of the defendants herein will be curtailed by the Court. As clearly stated at the pre-trial conference in this matter, the undersigned strongly urges all counsel to be extremely efficient in handling witnesses, eliciting testimony, and introducing evidence before the

jury. Valuable trial time is limited and is at a premium, and the Court simply cannot allow presentation of testimony which has little importance to the issues submitted to the jury.

New Orleans, Louisiana, this 10<sup>th</sup> day of September, 2009.



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