

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 plaintiff's "Motion *in Limine* to Exclude Testimony and Evidence Relating to Jeremiah Scott's Termination from his Previous Occupation" (Rec. Doc. #3113). Plaintiff contends that Jeremiah Scott ("Scott"), a teacher and flag football coach at Kipp McDonogh 15 School, which plaintiff Christopher Cooper attended, was fired because he allegedly disciplined a student by "paddling" him, which Scott denies. Plaintiff contends that this testimony is not relevant and might even be prejudicial.

Defendant Gulf Stream Coach, Inc. ("Gulf Stream") affirmatively represents to the Court that it does not intend to question Scott regarding the specifics of his termination at Kipp McDonogh 15 School, but cites certain testimony of Christopher Cooper indicating that, while he played flag football in fifth grade, he did not do so in sixth grade because the school's coach, Scott, was fired. Gulf Stream seeks to make it clear to the jury that Cooper did not cease his physical activities

regarding flag football because of any reason relating to a physical problem or declining health, and thus argues that Scott's firing from Kipp McDonogh 15 School is relevant for that purpose.

The Court agrees with Gulf Stream, and accepts Gulf Stream's counsel's pledge not to question Scott regarding the reasons for his termination. In light of these representations, the Court **GRANTS IN PART** plaintiff's motion to the extent it seeks to exclude the details of Scott's termination, but **DENIES IN PART** plaintiff's motion to the extent that it might seek exclusion of the very fact of Scott's termination.

New Orleans, Louisiana, this 11<sup>th</sup> day of September, 2009.



KURT D. ENGELHARDT  
United States District Court