

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. 09-2977

ORDER AND REASONS

Before the Court are the following two motions, which relate to building codes: (1) Shaw Environmental, Inc.'s Motion in Limine to Exclude References to Building Codes (Rec. Doc. 11414) and (2) Plaintiff's Motion in Limine to Prohibit References to the Inapplicability of Building Codes (Rec. Doc. 11362). After considering the memoranda of the parties and the applicable law,

IT IS ORDERED that (1) **Shaw Environmental, Inc.'s Motion in Limine to Exclude References to Building Codes (Rec. Doc. 11414)** and (2) **Plaintiff's Motion in Limine to Prohibit References to the Inapplicability of Building Codes (Rec. Doc. 11362)** are each **GRANTED** to the following extent:

On the showing made, the Court is not in the least bit convinced that the building codes are

relevant. Even assuming that the codes are applicable, there seems to be little to no actual evidence that Defendants' failure to comply with such codes relates in any way to Plaintiff's grievance(s). For this reason alone, the Court grants both of these motions now, such that no reference to building codes shall be admissible at trial. However, should Plaintiff wish to pursue this issue further, he may file, by **Tuesday, March 9, 2010 at 5:00 p.m.**, a 3-page maximum, bullet point memorandum which addresses the following topics relevant to this particular issue:

- (1) why the codes are applicable, citing to specific evidence of such assertion(s);
- (2) how Defendants failed to comply with such codes, citing to specific examples relevant to Plaintiff's EHU; and
- (3) what specific conditions resulted from those violation that affected Plaintiff's alleged injuries.

If Plaintiff chooses to pursue this issue further by filing such a memorandum, Defendants¹ may file an opposition memorandum by **Wednesday, March 10, 2010, at 5:00 p.m.**, limited to the same page constraints, etc.

New Orleans, Louisiana, this 3rd day of March, 2010.


KURT D. ENGELHARDT
United States District Court

¹ The Court acknowledges that it is not only Shaw that denies these codes' applicability. Defendant Forest River, Inc. ("Forest River") makes similar arguments in its motion at Rec. Doc. 11389.