

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION**

**IN RE: FEMA TRAILER
FORMALDEHYDE
PRODUCTS LIABILITY LITIGATION**

MDL NO. 1873

**SECTION "N-5"
JUDGE ENGELHARDT
MAG. JUDGE CHASEZ**

THIS DOCUMENT RELATES TO:

*Charlie Age, et al v. Gulf Stream Coach
Inc., et al, Docket No. 09-2892*

**CONTRACTOR DEFENDANT FLUOR ENTERPRISES, INC.'S
PRELIMINARY WITNESS AND EXHIBIT LIST**

Defendant, Fluor Enterprises, Inc. ("Fluor"), pursuant to the Court's scheduling order entered in connection with the first bellwether trial in the referenced matter [Doc. 1305] submits the following preliminary witness and exhibit list. Plaintiffs only joined Fluor as a defendant in any of the constituent cases of this multi-district litigation in January of 2009, although the first of the constituent cases was filed in May 18, 2006. On April 6, 2009, Fluor was advised for the first time that it would be going to trial in the first bellwether case set for September 14, 2009. Fluor intends to file a motion to continue the first and second bellwether trials on the grounds that, among other things, it is fundamentally unfair to force Fluor to trial in such a short period of time in connection with matters that have been pending for more than two and one-half years. The discovery period is entirely inadequate for Fluor to prepare properly for the trial of this matter. Because discovery is

ongoing, including initial document review still required to respond to Plaintiffs' discovery, Fluor's witness and exhibit list is necessarily incomplete. Fluor reserves the right to supplement these lists as discovery continues.

WITNESS LIST

Fluor may call at the trial of this matter, one or more of the following witnesses:

1. Eddie Abbott
2. Jimmy Adams
3. Linda Adams
4. Ron Albright
5. Alana Alexander
6. Ericka Alexander
7. Shirley Alexander
8. Bill Allen
9. Heath Allen
10. Travis Allen
11. Mark Ashby
12. Angela Baksh
13. Russ Balsamo
14. Dr. Janet Barnes
15. Grace Belcher
16. Mike Belles
17. Richard Belote

18. Gerald P. Blanchard
19. Mike Bolles
20. Rod Browning
21. Robert Bukowski
22. Terry Butcher
23. Mark Capelle
24. Joe Cabral
25. James Cartner
26. Craig Clairemont
27. Bert Clark
28. Darren Cooper
29. Randy Cooper
30. Alicia Copenhaver
31. Nancy Costello
32. Michael Cowser
33. Dan Craig
34. Mike Criss
35. Representatives and Employees of DC Recovery (DCR) or any other maintenance and deactivation contractor ("MDC") that handled all maintenance on the Alexander trailer
36. Chuck Debellevue
37. Jack Donahoe
38. Steve Doubleday

39. Rick Doucet
40. Dwight D. Durham
41. Rachel Etzkin
42. Greg Evans
43. Robert Earley
44. Jay Ferguson
45. Pat Fliegelman
46. Jennifer Foelske
47. Ian Foster
48. Dan Fraser
49. Deanna Friederichs
50. Mark Funderberk
51. Brad Gear
52. Dave Gifford
53. Donna Gibson
54. Randall Gurney
55. Baaba Halm
56. Dan Hammond
57. Darrell Hargrave
58. Charles Harvey
59. Johnny Hanvey
60. Craig Haynes

61. Dave Hedges
62. Van Hodge
63. Greg Hodges
64. Tom James
65. Jamie Jamieson
66. Bob Jones
67. Vince Keating
68. Terry Kingsmore
69. Mary Ellen Kraft
70. Leroy Lawrence
71. Dan Lemieux
72. Daryl Lemieux
73. Daren Lemieux
74. Representatives of Lippert, M-Tech, or Venture, whichever company manufactured the chassis on the Alexander trailer
75. Hugo Linares
76. Patrick Logue
77. Raleigh Long
78. Duncan Loughridge
79. Mario Machrone
80. Chad Mason
81. David Matthot

82. Kevin McCarthy
83. Trena McCullough
84. Buck McElroy
85. Megan McMurtrey
86. Raul Medina
87. Bonnie Melancon
88. Keithy Melchoir
89. Walter Melnick
90. Gregory E. Meyer
91. Ron Mitchell
92. Representatives or employees of MLU who were involved in any way with the installation of
the Alexander trailer
93. Ken Mobbs
94. Teresa Morgan
95. Jay Moylan
96. Tom Nadsady
97. Dennis Nelson
98. Mike Norris
99. Todd Novak
100. Clifford Oliver
101. Ann Olson
102. Rich Oref

103. Tom Perronne
104. Henry Plaziuk
105. Phil Price
106. David Porter
107. Tom Posell
108. Buzz Powell
109. Phil Price
110. Scott Pullan
111. Gordon Ragsdale
112. Jim Rammell
113. Adam Revette
114. Peter Ritch
115. Stanley Robinson
116. Scott Rothkamm
117. Scott Ruby
118. Brian Rutkowski
119. Mark Sarver
120. Tony Scaramozzi
121. Alan Sedlacek
122. Bob Shea
123. Dan Shea
124. Jim Shea

125. Ron Sherman
126. Amelia Smith
127. Steve Southerland
128. Jeff Southworth
129. Bob Spaulding
130. Don Stokley
131. Lee Tashjian
132. Chris Thomas
133. Marcus Tokosky
134. Anthony Trassatti
135. Jack Tyler
136. Billy Ulm
137. Marsha Ulm
138. Alan Undhein
139. John Ward
140. Lynn Weaver
141. Charlotte Webb
142. Charles "Al" Whitaker
143. Lowell Wiles
144. Justin I. Woods
145. Jeff Zumbar
146. All witnesses listed by any other party to this proceeding

147. All witnesses deposed in these MDL proceedings, including in the Age case and the MDL class certification proceedings.

148. All witnesses referred to or identified in any party's responses to interrogatories or other written discovery, or identified in any written discovery requests propounded on any party to these MDL proceedings.

149. All persons mentioned in any deposition taken in this matter, both in depositions taken solely in connection with the Charlie Age case as well as all in depositions taken in connection with class certification.

150. All persons identified in any document produced, exchanged or reviewed in this matter or produced, exchanged or reviewed during the class certification phase.

All experts listed by other defendants, including but not limited to the following witnesses listed as witnesses 151 -170 below:

151. G. Graham Allan

152. Megan Ciota

153. Phillip Cole, M.D., Ph.D.

154. Nathan T. Dorris

155. William L. Dyson

156. Michael E. Ginevan

157. Jessica Herzstein, M.D., M.P.H.

158. Robert James, Ph.D.

159. Dan Limeaux

160. Gary M. Marsh

161. Richard Monson, M.D., D.Sc.D.

162. Mark Polk

163. Coreen Robbins, MHS, Ph.D., CIH

164. Damien W. Serauskas, P.E.

165. Kenneth B. Smith, M.D.

166. H. James Wedner, M.D.

167. All testifying experts to be identified by Fluor on 7/10/09, the extended date for Fluor's expert disclosures per agreement of all parties as of July 1, 2009.

168. All FEMA Contracting Officers assigned to the IA-TAC Contract with Fluor

169. All Contracting Officers Technical Representatives (KOTRs) assigned to the IA-TAC Contract with Fluor.

170. All medical providers or representatives of medical providers who provided medical care, services or medicines to Alana Alexander and Christopher Cooper.

EXHIBIT LIST

No.	Description
1.	Alana Alexander's phone records for cellular phone number (504) 577-0737.
2.	Orleans Parish Civil and Jefferson Parish Judicial District Court records of suits filed as a result of motor vehicle accident involving Alana Alexander and Christopher Cooper on or about March 8, 2008.
3.	Documents evidencing claims made as a result of a motor vehicle accident involving Alana Alexander and Christopher Cooper dated March 8, 2008.
4.	All records of DC Recovery related to the movement and relocation of the Alexander trailer on Dale Street during July of 2007.
5.	All records of SRS, Inc. relating to the deactivation of the Alexander trailer.
6.	All records of any MDC contractor involved in providing maintenance to the Alexander trailer after Fluor Enterprises, Inc. no longer had a maintenance obligation with respect to the trailer, including without limitation those of DC Recovery .
7.	All photographs of 4415 Dale Street, New Orleans, LA taken at any time from 2005 to the present, including without limitation, all photographs of the movement and relocation of the Alexander travel trailer in July of 2007..
8.	All documents produced, exchanged or reviewed in these MDL proceedings, including without limitation in the Age case, in any other constituent case of the MDL, and in the MDL generally, including all discovery that took place during the class certification phase (hereafter “these MDL proceedings”).
9.	All documents referenced, described or identified in any discovery responses of any party to these MDL proceedings.
10.	All exhibits to every deposition taken in these MDL proceedings.
11.	All documents identified by any witness in any deposition or hearing in these MDL proceedings.
12.	All documents entered as exhibits in any hearing in these MDL proceedings, including without limitation, the hearing on the Plaintiffs' Motion for Class Certification.
13.	All documents attached as an exhibit to any pleadings filed in these MDL proceedings.
14.	Any pleading or paper filed in these MDL proceedings.
15.	The Alexander/Cooper Plaintiff's Fact Sheets
16.	The Alexander Individual Assistance file (FEMA137-000001 to -000086)
17.	The Alexander/Fluor installation package bearing Bates Nos. FL-FCA-004609 to -004635.
18.	The IA-TAC Contract between Fluor Enterprises, Inc. and FEMA, including Task Order No. 20 related to haul and install activities, including without limitation, documents bearing Bates Nos. FL-FCA-000001 to -002058, including any pages that are needed to

No.	Description
	complete the documents represented in the foregoing Bates range in the event that the production has missing pages..
19.	All blanket ordering agreements/subcontracts and related task orders/work orders under Fluor's subcontracts with those subcontractors involved in haul and install activities, including without limitation, all documents bearing Bates Nos. FL-FCA-002059 to -004608, including any pages that are needed to complete the documents represented in the foregoing Bates range in the event that the production has missing pages.
20.	All revisions of the Fluor Installation Manual, tables of such revisions, and transmittal documents of such revisions, bearing Bates Nos. FL-FCA-04636 to -06952.
21.	FEMA Trailer Inspections Field Inspector's Guide, bearing Bates Nos. FL-FCA-____ - FL-FCA-_____.
22.	All contracts, task orders and work orders relating to the IA/TAC Contract between Fluor and FEMA, as relates to haul and install work.
23.	Fluor's Project Procedures Manual, to the extent applicable to Task Order 20/haul and install work.
24.	Fluor's Project Execution Plan, to the extent applicable to Task Order 20/haul and install work.
25.	Work plans relevant to Task Order No. 20/haul and install work.
26.	Estimates, budgets and basis of estimates as relates to the IA-TAC Contract and Task Order No. 20/haul and install work, but only if and to the extent necessary to rebut inaccurate allegations concerning monies paid to Fluor under the IA-TAC contract.
27.	Purchase orders as relates to the IA-TAC Contract and Task Order No. 20/haul and install work, but only if and to the extent necessary to rebut inaccurate allegations concerning monies paid to Fluor under the IA-TAC contract.
28.	Project bulletins to the extent relevant to Task Order No. 20/haul and install work.
29.	Any training materials to the extent relevant to Task Order No. 20/haul and install work.
30.	All communications, whether by letter, memorandum, email or otherwise seeking directions from the Contracting Officer's Technical Representative ("COTR") relating to Task Order No. 20/haul and install work.
31.	All Fluor monthly reports to the extent relevant to Task Order No. 20/haul and install work.
32.	All Fluor weekly briefings to the extent relevant to Task Order No. 20/haul and install work.
33.	All daily reports to the extent relevant to Task Order No. 20.
34.	Any personal notes, daytimers or calendars of any Fluor personnel relevant to the issues in this litigation that may be located.
35.	Any Fluor financial records, but only if and to the extent relevant to Plaintiffs' claims and allegations concerning the sums of money Fluor was paid for the IA/TAC Contract or Task Order No. 20
36.	All documents produced by plaintiffs, PSC, Gulf Stream, FEMA, CDC, and any third party in these MDL proceedings.
37.	All communications of Fluor with FEMA relevant to Task Order 20/haul and install work,

No.	Description
	and with respect to the overall IA-TAC contract.
38.	All photographs taken by any party to these MDL proceedings, including without limitation the photographs taken of the Alexander trailer by any party or expert, and all photographs taken of the Alexander's present residence on Mirabeau Street in New Orleans, LA
39.	All documents contained in the reliance files of any expert disclosed by any party to these proceedings.
40.	Jim Rammell email to Tom Nadsady dated 03/21/2006 at 5:18 p.m., and the related email chain.
41.	Series of emails from and to Marcus Tikotsky re blocking of travel trailers in October 2005.
42.	All relevant, non-privileged documents contained in Fluor's project file and those still under review to respond to outstanding discovery from plaintiffs.

Respectfully submitted,

MIDDLEBERG, RIDDLE & GIANNA

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ATTORNEYS FOR FLUOR ENTERPRISES, INC.

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2009, I electronically filed the foregoing pleading using the Court's CM/ECF system, which sends notice of electronic filing to all counsel of record, including court-appointed liaison counsel, who are CM/ECF participants.

/s/ Charles R. Penot, Jr.

CHARLES R. PENOT, JR.

ND: 4830-5386-1379, v. 2