

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 is Plaintiff's Motion in Limine to Prohibit References or Suggestions that the Water Leak at the Door Was Caused by a Break In (Rec. Doc. 11387). In this motion, Plaintiff seeks an order prohibiting any references or suggestions that the water leaking into the trailer from the door area that Plaintiff Wright complained about was due to a break in. The Court has considered the memoranda of the parties and the applicable law. Accordingly,

IT IS ORDERED that **Plaintiff's Motion in Limine to Prohibit References or Suggestions that the Water Leak at the Door Was Caused by a Break In (Rec. Doc. 11387)** is **DENIED**, for the reasons stated by Shaw Environmental, Inc. ("Shaw") in its Opposition (See Rec. Doc. 11750) to the instant motion. While Plaintiff may also offer alternative causes for the water

leak, including Shaw's alleged improper installation, this Court finds that evidence of the 2008 break-in as the possible cause of the water damage is relevant and probative to the issue of causation. Further, applying the required balancing test under Rule 403 of the Federal Rules of Evidence, the probative value of this evidence is not substantially outweighed by the risk of unfair prejudice.

New Orleans, Louisiana, this 1st day of March, 2010.



KURT D. ENGELHARDT
United States District Court