

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: FEMA TRAILER
FORMALDEHYDE PRODUCTS
LIABILITY LITIGATION

MDL NO. 07-1873

SECTION "N" (5)

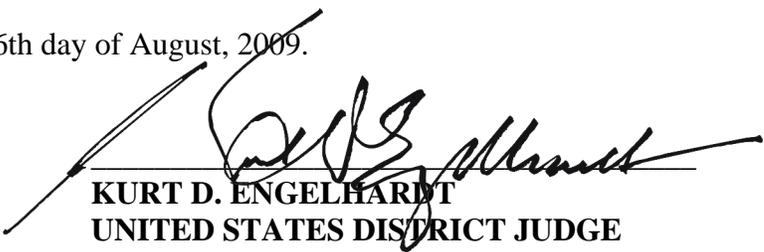
THIS DOCUMENT RELATES TO
Member Case No. 07-9228

ORDER AND REASONS

Before the Court is the Fleetwood Enterprises, Inc. Motion to Exclude Plaintiffs' Testing Results (Rec. Doc. 2356). After considering the memoranda of the parties and the applicable law, the Court concludes that this motion should be denied for the reasons stated by Plaintiffs in their opposition. Specifically, the Court finds that Fleetwood's arguments go to the evidentiary weight of the test results, not to their admissibility. Fleetwood, of course, may attack Plaintiffs' expert's testing through "[v]igorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof." See *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 596 (1993). Accordingly,

IT IS ORDERED the **Fleetwood Enterprises, Inc. Motion to Exclude Plaintiffs' Testing Results (Rec. Doc. 2356)** is **DENIED**.

New Orleans, Louisiana, this 6th day of August, 2009.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE