

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**

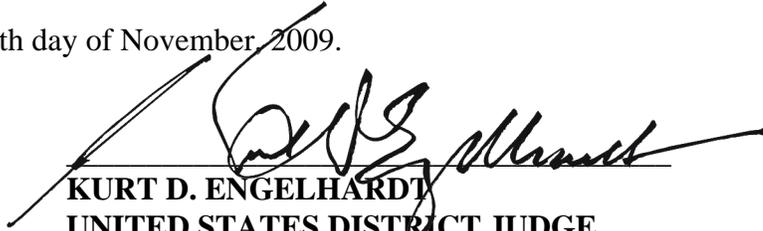
Before the Court is Fleetwood Enterprises, Inc's Motion to Limit Stephen Smulski, Ph.D's Testimony (Rec. Doc. 6660). In this motion, Defendant Fleetwood Enterprises, Inc ("Fleetwood") seeks to exclude or limit certain expert opinions expected in the testimony of Stephen Smulski, Ph.D ("Dr. Smulski"), Plaintiff's wood science expert. After considering the memoranda of the parties, the expert opinion/affidavit submitted by Dr. Smulski, the additional information submitted by the parties at the Court's request, and the applicable law, the Court rules as set forth herein.

This Court's previous ruling rendered on this expert in the *Alexander* trial (Rec. Doc. 2800) is hereby issued in this bellwether trial, and is incorporated herein by reference. Fleetwood has notified the Court that it believes the following specific opinions in Dr. Smulski's report (identified by paragraph number) are not the subject of the undersigned's previous ruling at Rec. Doc. 2800: paragraphs: 24, 25, 26, 29, and 31.

The instant motion is denied with the exception of paragraph 29. This opinion is admissible to the extent that Dr. Smulski believes ventilation would affect the level of formaldehyde gas in the trailer. However, Dr. Smulski, as a wood science expert, may not testify regarding “how” the trailer could/should have been ventilated, as he does not appear to be qualified as an expert in the fields of HVAC or travel trailer design.

Considering the foregoing, **IT IS ORDERED** that **Fleetwood Enterprises, Inc’s Motion to Limit Stephen Smulski, Ph.D’s Testimony (Rec. Doc. 6660)** is **GRANTED IN PART and DENIED IN PART** as expressed herein.

New Orleans, Louisiana, this 20th day of November, 2009.



**KURT D. ENGELHARDT**  
**UNITED STATES DISTRICT JUDGE**