

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. 09-2892

**RULINGS ON OBJECTIONS ON DEPOSITION TESTIMONY<sup>1</sup> AT TRIAL**

Pursuant to the Court's previous Order, various deposition transcripts have been provided to the Court of witnesses whose testimony will be presented to the jury by way of those transcripts, in lieu of live appearance. To the extent that the submitted transcripts have objections by counsel on the selected portions for trial, the Court has also obtained from counsel their respective positions regarding such objections. With regard to the witnesses listed below, these objections are resolved as follows: **to the extent that the Court makes no mention of an objection in this Order, such objection is hereby OVERRULED.** As for each other objection, the following are **SUSTAINED**:<sup>2</sup>

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<sup>1</sup>This Order pertains to the following witnesses: James Shea (2008), Eddie Abbott, Burl B. Keel, III and Jeffrey Zumbun.

<sup>2</sup>When the Court sustains an objection, counsel presenting such testimony shall be responsible for editing the witness' videotape testimony accordingly.

**I. Testimony of James Shea (July 24, 2008)**

Page 11, Line 13 - Page 12, Line 2 – The objection is sustained to the extent that reference to testimony “to the Congress” shall not be permitted. To the extent that a prior statement shall be used for impeachment purposes, it shall be referenced by date of the statement, and not by the tribunal before whom it is given, particularly testimony elicited at a Congressional hearing conducted for purposes other than this litigation.

Page 13, Lines 3-10 – The objection is sustained for the same reasons.

Page 34, Lines 1-6 – The objection is sustained for the same reasons.

Page 76, Line 2 - Page 77, Line 20 – Irrelevant.

Page 89, Lines 2-10 – The objection is sustained to the extent that reference to testimony “to the Congress” shall not be permitted. To the extent that a prior statement shall be used for impeachment purposes, it shall be referenced by date of the statement, and not by the tribunal before whom it is given, particularly testimony elicited at a Congressional hearing conducted for purposes other than this litigation.

**II. Testimony of Eddie Abbott**

Page 34, Lines 7-11 – Irrelevant and should be deleted.

Page 46, Line 19 - Page 47, Line 10, Lines 20-22 – Sustained. This testimony is repetitive.

Page 47, Line 23 - Page 48, Line 2 – Sustained. This testimony is repetitive.

Page 66, Lines 14-21 – Sustained. This testimony is repetitive.

**III. Testimony of Burl B. Keel, III**

Page 30, Lines 17-20 – Sustained - Irrelevant.

Page 30, Line 24 - Page 31, Line 3 – Sustained - Irrelevant.

Page 53, Lines 1-18 – Sustained - Irrelevant.

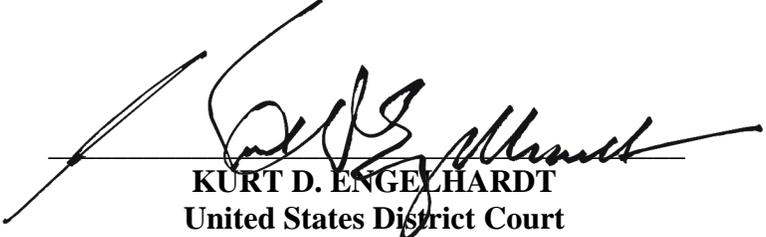
Page 152, Line 18 - Page 154, Line 4 – Sustained. Irrelevant. Calls upon the witness to speculate.

Page 166, Line 7 - Page 167, Line 18 – The recitation of evidence in the question is compound, perhaps improper or incorrect, and somewhat confusing.

**IV. Testimony of Jeffrey Zumbrun**

There are no objections appearing on this trial transcript.

New Orleans, Louisiana, this 11<sup>th</sup> day of September, 2009.



KURT D. ENGELHARDT  
United States District Court