

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

IN RE ACTOS (PIOGLITAZONE)
PRODUCTS LIABILITY LITIGATION

This Document Applies to All Cases

6-11-md-2299

JUDGE DOHERTY

MAGISTRATE JUDGE HANNA

**CASE MANAGEMENT ORDER:
BELLWETHER NOMINATIONS**

In light of recent developments, this Court hereby modifies the bellwether nomination process established in the “Scheduling Order: Pilot Bellwether Program (First Trial),”¹ as amended.²

BELLWETHER IDENTIFICATION PROCESS

The bellwether nominee pool is hereby reduced to eight: four nominations by the Plaintiffs and four nominations by the Defendants. The nominations, and follow-up procedures, are as follows:

5/6/2013: Each side shall finalize nominations, as follows:

- ***The Plaintiffs’ current bellwether nominee pool shall be reduced from five (5) to four (4). The Plaintiffs shall identify the bellwether nominee whose case will be removed from the pool by 4:00 p.m. central on Monday, May 6, 2013.***
- ***The Defendants have identified three additional bellwether nominees and will reduce that number to two, for a total of 4 nominees. The Defendants shall identify the bellwether nominee whose case will be removed from the pool by 4:00 p.m. central on Monday, May 6, 2013.***

¹ Rec. Doc. 2359.

² Rec. Doc. 2602; “Second Amended Scheduling Order: Pilot Bellwether Program (First Trial),” issued May 3, 2013.

The two additional bellwether nominees shall hereafter in this order be referenced as the "new nominees."

- ***Simultaneous with identifying the new nominees***, the Defendants shall certify that: (i) counsel has reviewed all available information about the nominee; and (ii) counsel believes that the nominee's case can be ready for trial by April 14, 2014.
- In addition to the foregoing certifications by Defense counsel, each new nominee's lead counsel shall certify as follows: (i) counsel intends that the nominee's case be tried, if accepted by this Court; (ii) counsel does not intend to dismiss the nominee's case; (iii) counsel has no reason to believe that the nominee's case will be settled individually prior to trial; and (iv) counsel shall inform the Court, by way of certification, as to whether the nominee will waive their right, as applicable, to venue or to have non-Louisiana cases remanded to transferor courts for trial (*the Lexecon issue*). ***These certifications shall be filed into the record by May 10, 2013.***

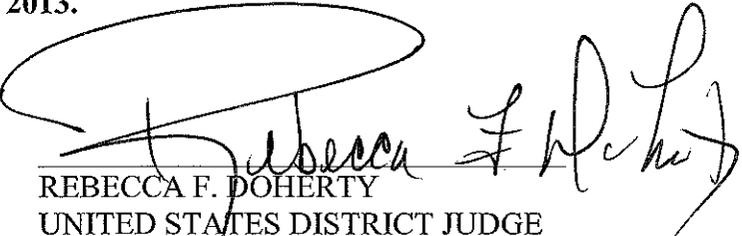
5/10/2013: Defendants shall notify the PSC, with regard to the Pilot Bellwether Discovery Pool nominees, of any gap in the ***essential preliminary discovery*** required by this Court's Case Management Order: Plaintiff Fact Sheets (Rec. Doc. 1355).

5/28/2013: Plaintiffs shall ***cure any deficiencies*** in essential preliminary discovery on Pilot Bellwether Discovery Pool nominees.

5/31/2013: Pilot Bellwether Discovery Pool Nominees may ***move for leave to amend their complaints***.³

Except as expressly modified in this order, the bellwether-related provisions in the Scheduling Order: Pilot Bellwether Program (First Trial), as amended, shall remain in force and effect.

SO ORDERED, this 3 day of May, 2013.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE

³ In filing any motion for leave to amend, counsel are cautioned to comply with Local Rule 7.6.