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

DATE 7/16/13



IN RE: ACTOS (PIOGLITAZONE)
PRODUCTS LIABILITY LITIGATION

MDL No. 6:11-md-2299

JUDGE DOHERTY

This Document Applies To:
All Cases

MAGISTRATE JUDGE HANNA

CASE MANAGEMENT ORDER:
SUPPLEMENTAL ORDER ON EXPERT-RELATED ISSUES
(FIRST PILOT BELLWETHER TRIAL)

The instant Order is intended to provide additional guidance to parties in complying with previously-issued orders.¹ Should any party become aware of any expert-related issue that is not addressed or covered by this, or any previously-issued, Order(s), this Court requests the party make immediate contact with this Court, through the Special Masters, to discuss the issue(s).

I. Expert Testimony and Availability

A. All experts must be available to sit for a deposition during the original deposition period *and* during the supplemental deposition period, as necessary. With regard to each expert, the producing party shall identify, simultaneously with producing his or her report, the days during both deposition periods when the expert is available to sit for a deposition.

B. All experts must be available to present testimony at some time during the expert evidentiary hearing referenced below. With regard to each expert, the producing party shall identify, simultaneously with producing his or her report, the days during the evidentiary hearing when the expert can be available to provide testimony.

¹ In addition to the deadlines, information, and instructions found in the instant order, the parties are referred to the Second Amended Scheduling Order: Pilot Bellwether Program (First Trial) (Rec.Doc. 2657) and the Case Management Order: Motions (Rec. Doc. 2742), for those provisions already in place as to experts and/or expert-related issues.

C. Additionally, with regard to each expert, the producing party shall declare, simultaneously with producing his or her report, whether the expert's trial testimony will be presented live or by deposition.

II. Depositions

The parties will be permitted to take supplemental expert depositions, when necessary. However, the scope of such supplemental depositions shall be limited to issues raised by the supplementation of expert reports and may not return to issues addressed in the original report or in an earlier deposition.

III. Motions

It will be especially important, in this case, for paper copies of motions and attached exhibits (particularly where exhibits are voluminous) to be provided to this Court. With regard to exhibits submitted with briefs, the Court expects that:

- the exhibits will be accompanied by an index;
- the exhibits will be tabbed, with each exhibit page-numbered (either by Bates numbers or otherwise);
- citations to exhibits will be to both the exhibit number and the page number on which the referenced information is found;
- if a party opposing a motion relies on any of the same exhibits that were submitted in support of the motion itself, please do not re-attach the exhibit but simply refer, by identifying page(s), to the exhibit provided by the opposing party.

IV. Evidentiary Hearing

A. This Court has set aside a considerable amount of time on its calendar for evidentiary hearings and oral argument on Daubert motions and expert-related *limine* motions.

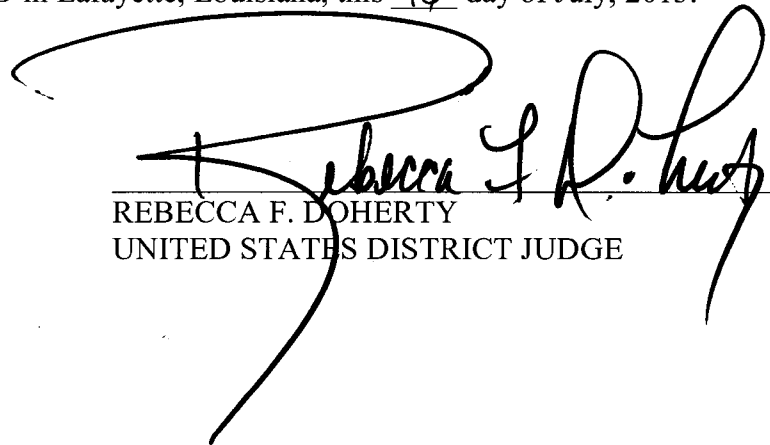
These dates are: December 11 through 13, 2013; December 16 through 20, 2013; December 30 through 31, 2013; and, if necessary, January 7 through 10, 2014.

B. As early as possible, but after having received the motions filed, this Court will determine which of the experts this Court will require to present live testimony in order for a ruling to be issued on any pending motion, and will determine the sequence in which motions will be considered (and witnesses will be heard). These decisions will be conveyed to counsel as soon as they are made.

V. Pre-Trial Conference

It is this Court's intention that all expert-related disputes and issues will have been addressed prior to the pre-trial conference. Should any such issues remain unresolved at the conclusion of the evidentiary hearing – for instance, in the event that further briefing is requested, or changes are triggered by new developments, etc. – they will be addressed, before or during the pre-trial conference.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 16 day of July, 2013.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE