

DEADLINES

2/28/2013: Plaintiffs shall provide a complete set of all *requests for production* of documents to Defendants.

3/25/2013: The Court shall establish a *schedule for anticipated motions and briefing of legal issues*.

4/1/2013: Each side shall nominate *Pilot Bellwether Discovery Pool* participants, as follows.

- Each side will nominate 5 plaintiffs to participate in discovery.
- The only plaintiffs eligible to be included in the discovery pool will be plaintiffs who submitted Plaintiff Fact Sheets to the Defendants by December 31, 2012.
- To the extent that a plaintiff wishes to participate in the discovery pool but has not complied with the December 31, 2012 deadline, he or she may participate if, and only if, a completed fact sheet and authorizations, together with a complete set of medical records, can be produced to the Defendants no later than **March 8, 2013**.

The following additional limitations shall apply to the Pilot Bellwether Discovery Pool nominees:

- (a) No plaintiff who has asserted a class action is eligible for participation as a member of the Pilot Bellwether Discovery Pool.
- (b) No plaintiff may be a nominee unless he or she: (i) actually consumed Actos; (ii) has been diagnosed with diabetes; and (iii) has been diagnosed with bladder cancer (no fear of cancer case).
- Nominating counsel shall certify, with regard to every Pilot Bellwether Discovery Pool nominee, that: (i) counsel has reviewed all available information about the nominee; (ii) counsel believes that the nominee's case can be ready for trial by January 27, 2014 (or, in the case of Defendants' nominees, April 14, 2014); (iii) counsel intends to try the nominee's case, if accepted by this Court; (iv) counsel does not intend to dismiss the nominee's case; and (v) counsel has no reason to believe that the nominee's case will be settled individually prior to trial.

4/8/2013: With regard to the Pilot Bellwether Discovery Pool nominees, Defendants shall notify this Court and Co-Lead Counsel whether or not they waive their right, as applicable, to venue or to have non-Louisiana cases remanded to transferor courts for trial (*the Lexecon issue*).

- 4/8/2013:** 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).
- 4/22/2013:** Plaintiffs shall *cure any deficiencies* in essential preliminary discovery on Pilot Bellwether Discovery Pool nominees.
- 4/23/2013:** Pilot Bellwether Discovery Pool Nominees may *move for leave to amend their complaints*.³
- 5/3/2013:** Parties to exchange first *witness and exhibit lists*.⁴ "Witnesses" shall include factual witnesses as well as experts, identified by area of expertise (deadline for identifying experts by name is separate). *Updates due the first day of each month thereafter*. No witness or exhibit may be added without leave of Court once the discovery deadline has passed; however, witnesses and exhibits may be removed through January 2, 2014. Counsel are cautioned that, in creating witness and exhibit lists, good faith is expected at all times.
- 6/3/2013:** Defendants must *certify good-faith belief* that all documents requested by the Plaintiffs, agreed by the Defendants to be produced, and/or ordered by this Court, have been produced or will be produced within ten (10) days of this date.
- 7/15/2013:** Plaintiffs' shall *identify their nominee* for the first trial. Defendants shall *identify their nominee* for the second trial.
- 8/1/2013:** *Expert-Related Deadlines* Begin

Plaintiffs' Deadlines	Defendants' Deadlines
8/1: Plaintiffs to identify experts and produce background information (<i>See</i> Fed. R. Civ. Proc. 26(a)(1)(B)(iv-vi))	8/26: Defendants to identify experts and produce background information (<i>See</i> Fed. R. Civ. Proc. 26(a)(1)(B)(iv-vi))
8/7: Plaintiffs to produce expert reports	9/3: Defendants to produce expert reports
9/5 through 10/4: Plaintiffs' expert depositions ⁵	9/5 through 10/4: Defendants' expert depositions

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

⁴ This requirement is imposed in lieu of the Fed. R. Civ. Proc. 26(f) reporting requirement.

⁵ Depositions of Plaintiffs' experts shall occur before depositions of Defendants' experts within the same discipline.

10/11/2013: Deadline for supplementation, if any, of expert reports and completion of supplemental expert depositions, if any. In light of the fact that expert reports must be produced prior to the completion of discovery, supplementation of reports and depositions will be permitted (pursuant to Fed. R. Civ. Pro. 26(a)(1)(D)) in order to respond to factual information discovered after an original report is issued.

10/1/2013: *Discovery* Deadline⁶

10/14/2013: Motions Deadline Begin (*limine, any remaining dispositive motions*)

Motions: **10/14**

Oppositions: **11/1**

Replies: **11/8**⁷

10/17/2013: *Deposition Excerpt Designations* Deadlines Begin

Plaintiffs' Deadlines	Defendants' Deadlines
10/17: Plaintiffs to produce excerpt designations, if any	10/28: Defendants to produce excerpt designations, if any
11/11: Plaintiffs' objections to Defendants' designations and counter-designations	10/31: Defendants' objections to Plaintiffs' designations and counter-designations

No replies will be permitted. This Court will determine whether and, if so, when argument will be heard on the admissibility of deposition excerpts.

10/21/2013: Motions Deadline Begin (*Daubert* motions)

Motions: **10/21**

Oppositions: **11/18**⁸

Reply arguments on Daubert motions, if necessary, may be presented at the evidentiary hearing

12/2/2013: *Expert Roundtable/Daubert evidentiary hearing*

⁶ Counsel are expected to schedule and sequence discovery so as to permit all deadlines to be met. This Court's Special Masters, as well as Magistrate Judge Hanna, will be available to assist the parties in such scheduling should it prove necessary. Moreover, if a separate Order is necessary, counsel should notify this Court, through the Special Masters.

⁷ The parties shall have 10 days following "service" of all reply briefs to resolve any matters concerning privilege or confidentiality pursuant to paragraph 10 of the Protective Order (*i.e.*, Case Management Order: Protecting the Confidentiality of Discovery Materials).

⁸ The parties shall have 10 days following "service" of all opposition briefs to resolve any matters concerning privilege or confidentiality pursuant to paragraph 10 of the Protective Order (*i.e.*, Case Management Order: Protecting the Confidentiality of Discovery Materials).

1/2/2014: Final *identification* of **will-call witnesses** (and the substance of their testimony) and *identification and exchange of all exhibits* (and the purpose for which they are offered).

1/6/2014: Deadline for completing *Trial Depositions*

In an effort to streamline trial preparation as much as possible, the *Court expects the parties to make significant efforts to produce witnesses for trial* rather than relying on deposition testimony. To the extent that trial depositions are necessary, they must be completed by this date.

1/6/2014: *Pre-trial order*

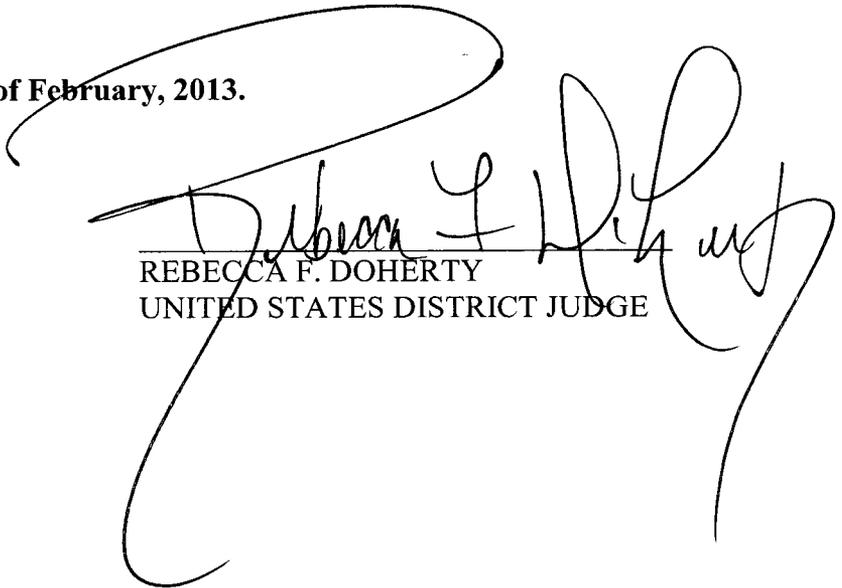
The Court will amend its standard pre-trial order form and will provide the new form to counsel no later than **4/1/2013**.

1/13/2014: *Pre-trial conference*

1/22/2014: *Bench books*
Glossary
*Training for electronic courtroom.*⁹

1/27/2014: *Trial* of the first bellwether case.

SO ORDERED, this 19 day of February, 2013.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE

⁹ This is the deadline by which training must be completed, but counsel are encouraged to schedule such training earlier than January 22, 2014. Counsel must bring to the training the laptops that they intend to use for the presentation of exhibits.