

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: GADOLINIUM-BASED)	Case No. 1:08 GD 50000
CONTRAST AGENTS PRODUCTS)	
LIABILITY LITIGATION)	
)	MDL No. 1909
This document relates to:)	
)	Judge Dan Aaron Polster
Marcinczyk v. GEHC No. 1:08-gd-50070)	
Hudson v. GEHC No. 1:08-gd-50085)	
Sullivan v. GEHC No. 1:08-gd-50149)	
Britt v. GEHC No. 1:08-gd-50171)	
Perkins v GEHC No. 1:08-gd-50226)	
Smith v. GEHC No. 1:08-gd-50266)	
Smiley v GEHC No. 1:08-gd-50286)	<u>AMENDED PROTOCOL</u>
Duckett v. GEHC, No. 1:08-gd-50336)	<u>FOR ADDRESSING THE</u>
Pettigrew v. GEHC, No. 1:08-gd-500359)	<u>REMAINING CASES AGAINST</u>
Hammersley v. GEHC, No. 1:09-gd-50065)	<u>THE GEHC DEFENDANTS</u>
Wiley v. GEHC, No. 1:09-gd-50146)	
Tussey v. GEHC, No. 1:09-gd-50199)	
Wahl v. GEHC, No. 1:11-gd-50025)	
Money v. GEHC, No. 1:12-gd-50000)	
Larson v. GEHC, No. 1:12-gd-50002)	
Gary v. GEHC, No. 1:12-gd-50007)	
Uvalle v. GEHC No. 1:12-gd-50009)	
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On August 17, 2012, the Court issued a “Protocol for Addressing the Remaining Cases Pending Against the GEHC Defendants.” (Doc #: 1113.) Therein, the Court established a limited case-specific discovery schedule for the fifteen cases that were listed in the caption and not scheduled for trial.¹

¹The Protocol did not include *Decker, et al. v. GEHC, et al.*, Case No. 1:12-gd-50004, which is scheduled to go to trial on March 5, 2013.

Since that day, the Court has learned that one of those cases has settled (*Beverly Hubbard v. GE Healthcare, Inc., et al.*, Case No. 1:08 gd 50079), and there are three active cases which the Court inadvertently omitted from the caption (*John Patrick Sullivan v. General Electric Company, et al.*, Case No. 1:08 GD 50149; *MaryeWahl v. General Electric Company, et al.*, Case No. 1:11 gd 50025; and *Judith K. Larson, et al. v. Bayer Healthcare Pharmaceuticals, Inc., et al.*, Case No. 1:12 gd 50002.).

Accordingly, the Court hereby issues an Amended Protocol for Addressing the Remaining Cases Against the GEHC Defendants to more accurately reflect the pending active cases against the GEHC Defendants. This scheduling order is intended to include not only the cases listed in the caption but any other active cases pending against the GEHC Defendants which have not settled and are not scheduled for trial.

- (1) The GEHC Defendants have until the close of business on October 19, 2012 to conduct limited case-specific discovery, with not more than three (3) depositions per case. Plaintiffs may also conduct limited case-specific discovery, with not more than three (3) depositions per case. Discovery shall be supervised by Special Master Cathy Yanni.
- (2) These parties are directed to continue working to resolve their cases. Attorney Pete Weinberger, Special Master Cathy Yanni, and the undersigned are available to assist their efforts.
- (3) Any case not resolved by the close of business on Friday, November 2, 2012 shall be remanded.

IT IS SO ORDERED.

/s/ Dan A. Polster August 27, 2012
Dan Aaron Polster
United States District Judge