

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

In re: BISPHENOL-A (BPA)) MDL No. 1967
POLYCARBONATE PLASTIC) Master Case No. 08-1967-MD-W-ODS
PRODUCTS LIABILITY LITIGATION)

CASE MANAGEMENT ORDER

Pursuant to the Hearing held in the above-captioned action, and upon consideration of the parties' views on the matter, the following case management order is hereby established:

1. The Court approves Plaintiffs' organizational structure. The Court appoints both Robert Weiss and Tom Girardi to the Plaintiffs' Steering Committee.
2. Within thirty (30) days from the date of this Order, each individual Plaintiff shall file an Amended Complaint against one or more Defendants. Plaintiffs are not required to file statements of claims at this time.
3. Each Defendant shall file its Answer within thirty (30) days of the filing of an Amended Complaint.
4. All motions to dismiss brought pursuant to Rule 12(b) of the Federal Rules of Civil Procedure shall be filed on or before March 1, 2009.
 - a. Defendants are encouraged to file separate motions for each discrete legal basis for dismissal.
 - b. All Suggestions (supporting, opposing, or replying) shall have a fifty (50) page limit.
5. Plaintiffs shall file their responses to the motions to dismiss within sixty (60) days of their filing.
6. Defendants shall file their replies within thirty (30) days from the date Plaintiffs' responses are filed.
7. FRCP Rule 26(a)(1) disclosures must be completed on or before March 1, 2009.
8. The parties may conduct written discovery only until all motions to dismiss have been ruled. Discovery may cover any issue relevant to the case. Service of

Interrogatories shall be governed by FRCP Rule 33.

9. Full discovery may commence upon the Court's rulings on the motions to dismiss. The Court will issue further scheduling orders, if necessary, after the motions to dismiss are ruled.

10. The parties shall meet and confer to discuss the issues of preservation of documents, a document repository, a protective order, and protocols for electronically-stored data. The parties shall submit a proposed order regarding these issues on or before March 1, 2009. To the extent agreement cannot be reached on all issues, the parties shall inform the Court of the matters to which there is agreement and explain their respective positions on the matters to which there is disagreement.

11. The parties shall also meet and confer to reach agreement on a mediator or mediation service. By March 1, 2009, the parties shall inform the Court of their choice. If agreement cannot be reached, each side shall nominate up to two mediators and the Court will select one.

12. All motions for extension of time pursuant to FRCP 6(b) or FRCP 31, 33, 34, and 36 must state:

- a. The date when the pleading, response or other action is/was first due;
- b. The number of previous extensions and the date the last extension expires;
- c. The cause for the requested extension, including a statement as to why the action due has not been completed in the allotted time; and
- d. Whether the requested extension is approved or opposed by opposing counsel (agreement by counsel to a requested extension is not binding on the Court).

13. All cases later consolidated with this action as tag-alongs are bound by this Order. Within thirty (30) days of receipt of this Order, the new plaintiff(s) shall file an Amended Complaint against one or more Defendants. Defendants shall have thirty (30) days thereafter to file Answers.

IT IS SO ORDERED.

DATE: November 25, 2008

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT