

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

IN RE: : **MDL DOCKET NO. 4:03-CV-1507-WRW**
PREMPRO PRODUCTS LIABILITY :
LITIGATION :

ORDER

The following “short-term use” cases are scheduled in for jury trial commencing on February 1, 2011, in Little Rock, Arkansas:¹ *Pamela Kuhn v. Wyeth*, 6:04-CV-06042-WRW (second out) and *Shirley Davidson v. Wyeth*, 6:05-CV-06074-WRW² (third out). I remind you that I have a criminal case set first out that may or may not go away.

I realize the parties want to “make a record” in individual cases, but unless there is something significantly different in this case from *Wilson v. Wyeth*,³ I intend to follow each of my previous rulings *in toto* (all of ‘em too). Unless you advise me that there actually is a significant difference (other than the short-term use issue), with specificity, by noon, Wednesday, November 24, 2010, I’ll assume the issues are essentially the same.

If the parties feel that weekly telephone conferences, like those held in *Wilson v. Wyeth*, would be helpful, please let me know and we will set them up.

¹This applies to all three cases.

²If either *Kuhn v. Wyeth* and *Davidson v. Wyeth* are settled or otherwise resolved, *Gloria Jean Curtis v. Wyeth*, 3:05-CV-00074-WRW, will become third out -- first out, if all other cases are resolved.

³3:05-CV-00078-WRW.

The scheduling order for the cases are as follows:⁴

December 1 Discovery cutoff (case specific only -- I realize that because of condensed scheduling, there will be exceptions to this deadline, so, to the extent possible, the parties should work out any issues that arise among themselves).

Plaintiffs say which case specific expert witnesses they likely will call, produce case specific reports, and provide dates for their depositions (which, it seems to me would be limited to Plaintiff specific issues).

December 15 Dispositive motions must be filed.

Defendants inform Plaintiffs regarding which case specific expert witnesses they likely will call, produce case specific reports, and provide dates for their depositions.

December 27 Blocks of time recommendations must be submitted to the Court.

January 3 Pretrial information sheets must be filed.

January 5 Responses to dispositive motions must be filed.

January 10 *Daubert* motions must be filed.⁵

January 12 Replies to dispositive motions must be filed.

Motions in limine must be filed.

Objections to exhibits and parties exchange lists of rebuttal exhibits.

The parties must submit to the Court deposition designations and counter designations of witnesses not previously designated in the HRT cases in the EDAR, along with any objections, in the format used in previous bellwether trials. For witnesses whose deposition designations were ruled on previously, the rulings remain the same.

January 18 Objections to pretrial information sheets.

January 20 Responses to *Daubert* motions must be filed.

Parties must exchange deposition designations.

⁴Unless otherwise noted, the deadline is 5 p.m. on the designated day. Additionally, reply briefs may be no more than 5 pages in length.

⁵*Daubert* motions on short-term use must comply with the schedule set out in the November 5, 2010, Letter-Order (filed in *In re Prempro*, 4:03-CV-1507, Doc. No. 2435).

- January 21** Agreed set of jury instructions submitted to the Court.
- January 25** Hearing on *Daubert* and dispositive motions, if necessary.
Parties are to provide Ms. Johnson exhibit lists.
- January 26** Parties must exchange counter designations.
- February 1** Trial commences at 9:30 a.m.⁶

IT IS SO ORDERED this 10th day of November, 2010.

/s/Wm. R. Wilson, Jr. _____
UNITED STATES DISTRICT JUDGE

⁶Lawyers should arrive no later than 8:00 a.m. on the day of trial to meet with Ms. Johnson about exhibits.

General Information

Court	United States District Court for the Eastern District of Arkansas; United States District Court for the Eastern District of Arkansas
Federal Nature of Suit	Personal Injury - Product Liability[365]
Docket Number	4:03-cv-01507
Status	CLOSED