

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

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

**ORDER**

The following cases are scheduled for a jury trial commencing on Tuesday, August 14, 2012, in Little Rock, Arkansas: *Lawrence v. Wyeth et al.*, No. 4:05-cv-00493-BRW (first out); *Welch v. Wyeth et al.*, No. 4:06-cv-00299-BRW (second out); and *Lewis v. Wyeth et al.*, No. 4:06-cv-01383-BRW (third out).

A second MDL bellwether trial will commence at 9:30 a.m., Wednesday, December 5, 2012. All of the below deadlines apply to the December trial as well. If all of the above listed cases are resolved, new cases, with new deadlines, will be selected.

I realize the parties want to “make a record” in individual cases, but unless there is something significantly different in these cases from *Curtis v. Wyeth*,<sup>1</sup> I intend to follow each of my previous rulings. Unless you advise me that there actually is a significant difference (other than the obesity causation issue), with specificity, by 5 p.m., Monday, May 28, 2012, I’ll assume the issues are essentially the same.

If the parties feel that weekly telephone conferences, like those held in previous bellwether trials, would be helpful, please let me know and we will set them.

Please note well the deadlines set forth below because I am going to be disinclined to grant extensions. In other words, don’t count on extensions even though I have granted them in the past without much fuss.

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<sup>1</sup>Case No. 3:05-CV-00074-BRW (E.D. Ark.).

I have not set a traditional discovery cutoff deadline. However, the parties are expected to cooperate fully with one another so that discovery can continue apace. Any discovery done after June 24, 2012, will not be considered with respect to dispositive and *Daubert* motions.

Case-specific expert reports must be provided to the opposing party no later than seven days before the expert's scheduled deposition -- unless otherwise agreed to by the parties.

The deadlines are as follows:<sup>2</sup>

**May 25** Plaintiffs say which case-specific expert witnesses they likely will call and provide dates for their depositions.

**June 1** Defendants say which case-specific expert witnesses they likely will call and provide dates for their depositions.

**June 24** *Daubert* and dispositive motions must be filed.<sup>3</sup>

**July 12** Responses to *Daubert* and dispositive motions must be filed.<sup>4</sup>

**July 17** Replies to *Daubert* and dispositive responses must be filed.<sup>5</sup>

Parties must exchange deposition designations.

Pretrial information sheets must be filed.

Objections to exhibits and parties exchange lists of rebuttal exhibits.

**July 24** Motions in Limine must be filed.

Objections to pretrial information sheets must be filed.

Parties must exchange counter designations.

Date by which second and third out cases will be bumped to the December trial date, if the first out case has not been resolved.

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<sup>2</sup>Unless otherwise noted, the deadline is 5 p.m., CST, on the designated day.

<sup>3</sup>*Daubert* and dispositive motions are not to exceed 15 pages.

<sup>4</sup>Responses are not to exceed 12 pages.

<sup>5</sup>Reply briefs are not to exceed 5 pages.

**July 31** Responses to Motions in Limine must be filed.

Parties are to provide my courtroom deputy exhibit lists.

Agreed set of jury instructions submitted to the Court. Opposing proposed instructions are to be submitted for instructions which cannot be agreed upon.

Blocks of time recommendations must be submitted to the Court.

The parties must submit to the Court deposition designations and counter designations of witnesses not previously designated or ruled on 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.

**August 14** Trial commences at 9:30 a.m.<sup>6</sup>

IT IS SO ORDERED this 16th day of May, 2012.

/s/ Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

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<sup>6</sup>Lawyers should arrive no later than 8:00 a.m. on the date of trial to meet with my courtroom deputy re: exhibits.

## General Information

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