

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE PRADAXA)	MDL No. 2385
(DABIGATRAN ETEXILATE))	3:12-md-02385-DRH-SCW
PRODUCTS LIABILITY)	Judge David R. Herndon
LITIGATION)	

This Document Relates to:

ALL CASES

**CASE MANAGEMENT ORDER NUMBER 60
Modifying Portions of CMOs 28 and 46
Including Modification of Bellwether Trial Dates**

The parties jointly submit the following Case Management Order that shall slightly modify CMOs 28 and 46, including the trial dates for all four MDL bellwether trials.

For good cause shown, the four initial trials in this MDL shall commence as follows:

MDL bellwether #1:	September 8, 2014 (jury selection)
	September 15, 2014 (openings)
MDL bellwether #2:	December 1, 2014
MDL bellwether #3:	February 17, 2015
MDL bellwether #4:	March 23, 2015

As it pertains to the expert and dispositive motion schedule for the first MDL trial and certain dates for the second MDL trial, CMO 46 and CMO 28 are amended as follows:

1. Expert designation and deposition dates are modified as follows:
 - a. Paragraph E(2)(a) of CMO 28 and CMO 46 are modified as follows: On or before May 8, 2014, Plaintiffs shall designate, pursuant to Rule 26, Fed.R.Civ.P., their expert witnesses for the first bellwether trial. The disclosure shall be accompanied by two dates for each expert to be deposed.
 - b. Paragraph E(2)(b) of CMO 28 and CMO 46 are modified as follows: On or before May 30, 2014, Defendants shall designate their expert witnesses pursuant to Rule 26, Fed.R.Civ.P., for the first bellwether trial. The disclosures shall be accompanied by two dates for each expert to be deposed.
 - c. Paragraph E(2)(c) of CMO 28 and CMO 46 are modified as follows: On or before June 13, 2014, Plaintiffs shall designate any rebuttal expert disclosures for the first trial, pursuant to Rule 26, Fed.R.Civ.P.
 - d. Paragraph E(2)(e) of CMO 28 and CMO 46 are modified as follows: Depositions of expert witnesses shall take place between June 16, 2014 and July 3, 2014. It is the intention of the parties that the depositions of Plaintiffs' expert witnesses be taken before Defendants' expert witnesses.
 - e. Plaintiffs' Rule 26 expert disclosures for the second trial shall be submitted by July 18, 2014.

- f. Defendants' Rule 26 expert disclosures for the second trial shall be submitted by August 18, 2014.
- g. Rebuttal expert disclosures for the second trial shall be submitted by September 3, 2014.
- h. Depositions of expert witnesses for the second trial shall be completed by October 30, 2014. If a generic expert submits the same or substantially equivalent expert report in subsequent bellwether cases (e.g. after the first bellwether case) that generic expert shall not be permitted to be deposed for the subsequent case(s). Case-specific experts who have already been deposed shall have their depositions limited to a maximum of 3 hours in any additional case that he/she is identified as a case-specific expert witness. Said deposition shall be limited to the case-specific issue(s) of the new case only, and no re-examination of issues/documents examined in the prior deposition. If that expert witness also is a generic expert and if he/she already has submitted a generic expert report with no later modifications, then the rule above shall apply, namely no further deposition/examination on the issues covered in the generic report. All non-U.S. experts are to be deposed in the U.S. absent agreement of the parties.
- i. The expert disclosure and expert deposition schedule for the third and fourth MDL bellwether trials will be established on or before July 10, 2014.

- j. Paragraph F(1) of CMO 28 is modified as follows: Plaintiffs and Defendants must file and serve any summary judgment motions and motions for partial summary judgment on or before July 8, 2014.
- k. Paragraph F(3) of CMO 28 and CMO 46 are modified as follows: All *Daubert* motions shall be filed by July 8, 2014.
- l. Responses to Summary Judgment Motions and *Daubert* motions shall be filed thirty (30) days after the motion to which it responds is filed, but no later than August 8, 2014.

SO ORDERED:

 Digitally signed by
David R. Herndon
Date: 2014.03.05
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**Chief Judge
United States District Court**

Date: March 5, 2014