

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO THE FOLLOWING CASES: 2:12-cv-05201 and 2:12-cv-09972	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**PRETRIAL ORDER # 75
(FIRST AMENDED DOCKET CONTROL ORDER ON SECOND
ROUND OF BELLWETHERS – *Huskey and Edwards*)**

By PTO # 57¹, I chose the first 4 of 6 bellwether cases in this MDL, and by PTO # 59 I amended the order of the cases to be tried. **As to the third and fourth bellwether cases, *Jo Huskey* (2:12-cv-05201) and *Tonya Edwards* (2:12-cv-09972),** the following deadlines apply:

1. *Plaintiffs' Expert Reports.* Plaintiffs shall serve expert reports by **February 7, 2014.**
2. *Defendants' Expert Reports/Rebuttal Expert Reports.* Defendants shall serve expert reports by **March 7, 2014.** Plaintiffs shall serve any rebuttal expert reports by **March 17, 2014.**
3. *Expert Discovery.* Expert Discovery for the *Huskey and Edwards* bellwether case, including the deposition of any rebuttal experts, shall be completed by **April 7, 2014.**

¹ The only changes in this First Amended Docket Control Order are the reference to PTO # 57 (previously referred to as PTO # 56) and a slight rewording of the second sentence. No deadlines have been amended.

4. *Case-Specific Discovery.* Discovery on the *Huskey and Edwards* bellwether case shall be completed by **March 31, 2014**.

5. *Motion Practice.*

a. Daubert Motions and Non-Daubert based Dispositive Motions shall be filed by **April 14, 2014**. Response briefs shall be filed by **April 25, 2014**. Reply briefs shall be filed by **May 1, 2014**.

b. Daubert based dispositive motions and motions in limine shall be filed by **May 27, 2014**. Response briefs shall be filed by **June 3, 2014**.

Motions in Limine are limited to 3 pages each, responses are limited to 2 pages each.

c. Dates for summary judgment and *Daubert* hearings, if any, will be set at an upcoming status conference.

d. Local Rule of Civil Procedure 7.1(a)(2) applies regarding the page limits on memoranda in support of dispositive motions as well as responses and replies.

The court will not be inclined to grant motions to exceed the page limit. The court requests that the parties abide by Local Civil Rule 7.1(a)(5) regarding courtesy copies.

6. *Pretrial and Final Settlement Conferences.* The Court shall conduct a pretrial conference on **June 21, 2014, at 10:00 a.m.** and will notify the parties as to the date of a final settlement conference.

7. *Deposition Designations.* Deposition designations shall be filed by **May 27, 2014**. Any objections to an opposing party's designations, and any counterdesignations shall be

filed by **June 10, 2014**. Any objections to the counterdesignations, and any counter-designations to an opposing party's counterdesignations, shall be filed by **June 17, 2014**.

8. *Exhibit and Witness Lists*. The parties will exchange exhibit and witness lists by **May 27, 2014**.

9. The parties shall file a proposed integrated pretrial order pursuant to Fed. R. Civ. P. 16 three days prior to the pretrial conference. The proposed integrated pretrial order, signed by all counsel and unrepresented parties, shall set forth the matters listed in Local Civil Rule 16.7(b).

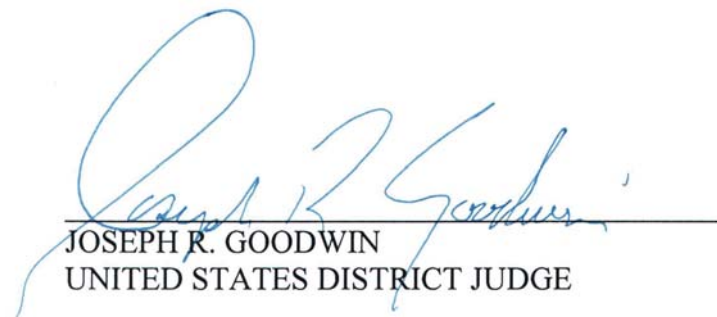
10. The parties shall file proposed jury instructions in charge form on substantive theories of recovery or defense, on damages and on evidentiary matters peculiar to the case, and special interrogatories, if any be appropriate to the case, along with a proposed verdict form on **June 6, 2014**. The court requests that the parties email the proposed jury instructions to the court's law clerk in Word format.

11. *Trial*. The *Huskey* trial as identified in PTO # 59 shall commence on **June 23, 2014 at 8:30 a.m.** In the event the *Huskey* case has settled or is otherwise not ready for trial, the *Edwards* case will proceed to trial instead.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and **in the following cases:** 2:12-cv-05201 and 2:12-cv-09972 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:13-cv-24732. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to

counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: October 10, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE