

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

IN RE NUVARING PRODUCTS                    )  
LIABILITY LITIGATION                        )  
  )     4:08MD1964 RWS  
  )     ALL CASES

**ORDER**

A status conference and hearing was held today, at which various issues were addressed. Based on the discussions and rulings at the conference the following is ordered:

**IT IS HEREBY ORDERED that** any case specific Daubert motions and motions for summary judgment addressing the eight final trial pool cases shall be filed no later than **October 31, 2012**. Response briefs shall be filed no later than **December 15, 2012**. Reply briefs shall be filed no later than **January 7, 2013**.

**IT IS FURTHER ORDERED that** response briefs to the pending non-case specific Daubert motions shall be filed no later than **October 16, 2012**. Reply briefs shall be filed no later than **November 6, 2012**.

**IT IS FURTHER ORDERED that** the first bellwether trial is set on **May 6, 2013**. The specific case to be tried will be identified at a future date.

**IT IS FURTHER ORDERED that** Prather v. Organon, 4:08CV558 RWS will be one of the first three cases tried in this District. At a future date, Defendants and Plaintiffs shall each select one of the remaining trial pool cases as the second and third case to proceed to trial. Defendants have agreed to waive Lexecon venue issues regarding these two cases.


**IT IS FURTHER ORDERED that** Plaintiffs' motion to compel Sammy Suissa PH.D. to produce documents [# 1222] is **DENIED**. No later than **September 3, 2012**, Plaintiffs may file a motion to compel based on Suissa's deposition as discussed in today's conference. In addition,

Plaintiffs may seek discovery of compensation Suissa received from Organon, or its successors, and their affiliates for any services provided to those entities.

**IT IS FURTHER ORDERED that** Defendants shall file a list of documents in their pending Daubert motions that they seek to remain sealed, and shall file a list of any documents in Plaintiffs' pending Daubert motions which Defendants seek to remain sealed, no later than **August 27, 2012**. Plaintiffs shall file a response to Defendants' lists no later than **August 28, 2012**.

**IT IS FURTHER ORDERED that** a status conference is set on **October 4, 2012 at 10:30 a.m.** The Court will address issues submitted by the parties in an agenda filed no later than **October 2, 2012**.

Counsel who wish to monitor the status conference are directed to call the conference toll free at 1-888-684-8852 from the United States (for callers outside the United States the caller paid international number is 215-446-0155). **The access code to enter the telephone conference for all participants is: 6905106. Counsel will then be prompted to enter the participant security code: 1111 followed by the # (pound) key.** This conference will be activated at 10:15 a.m. so the conference may start promptly at 10:30 a.m. **Counsel monitoring the conference must mute their phones so the proceeding is not interrupted by background noise.**

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of August, 2012.