

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: FRESENIUS	:	MDL NO. 1:13-MD-2428-DPW
GRANUFLO/NATURALYTE DIALYSATE	:	
PRODUCTS LIABILITY LITIGATION	:	

This Document Relates to:

All Cases

[PLAINTIFF EXECUTIVE COMMITTEE’S PROPOSED] BELLWETHER TRACKING ORDER

DEADLINE	EVENT
30 days after Bellwether Order ¹	Expert reports disclosed by PEC and FMCNA simultaneously on matters of general applicability/general causation.
60 days after Bellwether Order	Rebuttal expert reports disclosed by PEC and FMCNA simultaneously on matters of general applicability/general causation.
120 days after Bellwether Order	Depositions completed of general applicability/general causation experts. To the extent practicable, the PEC’s expert on a topic shall be deposed before the corresponding FMCNA expert. The parties shall otherwise agree to the scheduling of the depositions or seek the Court’s intervention if they cannot agree.
150 days after Bellwether Order	Per CMO 10, Fact Discovery completed. (The parties shall agree upon the scope of any remaining discovery or seek the Court’s intervention.)
180 days after Bellwether Order	Case-specific expert reports disclosed by PEC and FMCNA simultaneously.
210 days after Bellwether Order	Case-specific expert rebuttal reports disclosed by PEC and FMCNA simultaneously.
240 days after Bellwether Order	Case-specific expert depositions completed.

¹ Consistent with Section V of CMO 10, the PEC presumes the Bellwether Order will be entered on or about April 3, 2015.

270 days after Bellwether Order	<i>Daubert</i> and other dispositive motions filed.
300 days after Bellwether Order	Oppositions to <i>Daubert</i> and dispositive motions filed.

After ruling on dispositive motions, the Court shall determine the order of trials and set final deadlines for pre-trial matters including motions *in limine*, trial exhibits, and deposition designations.

Any cases that are ultimately tried shall be tried individually, with a single Plaintiff per trial.

SO ORDERED this _____ day of _____, 2014.

DOUGLAS P. WOODLOCK, J.