



ASCOT trial data. Plaintiffs now wish to file supplemental or rebuttal reports to address Pfizer's experts' criticism of Dr. Jewell's and Dr. Wells' methodologies.

Plaintiffs claim these additional reports are "rebuttal" reports, while Pfizer argues that the reports are just a continuation of Plaintiffs' case-in-chief. Regardless, Pfizer points out that in negotiating the agreed CMOs in this MDL, Plaintiffs agreed to not allow rebuttal reports. The Court need not resolve the dispute over whether the reports are indeed rebuttal reports. In abundance of caution, and to ensure this Court has the best information possible when addressing *Daubert* motions, the Court will allow Plaintiffs to serve these two additional reports by Dr. Jewell and Dr. Wells. However, the Court agrees that Pfizer is entitled to full discovery of these new opinions. Therefore, the Court amends the scheduling order as follows:

| <b>Date</b>                             | <b>Action</b>   |
|---|---|
| <b>Sunday, May 10, 2015<sup>1</sup></b> | Deadline for PSC to serve supplemental reports for Dr. Jewell and Dr. Wells. The PSC shall also provide two (2) deposition dates for Dr. Jewell and Dr. Wells between <b>May 20, 2015 and June 17, 2015</b> . Plaintiffs' expert in a particular area of expertise will be deposed at least ten (10) days prior to any Pfizer expert in the same area of expertise.   |
| <b>Friday, May 15, 2015</b>             | Deadline for Pfizer to notify Plaintiffs if, as a result of Plaintiffs' supplemental expert reports, they need additional depositions of any of Plaintiffs' other experts. Pfizer must act in good faith and only request depositions that are necessitated by Plaintiffs' supplemental reports. Any disputes over whether an additional deposition is needed must be brought to the Court's attention immediately. |
| <b>Tuesday, May 19, 2015</b>            | Deadline for PSC to provide two (2) deposition dates between <b>May 25, 2015, and June 19, 2015</b> , for any experts identifies by Pfizer on May 15, 2015.   |


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<sup>1</sup> Plaintiffs have represented to the Court that it will can and intends to serve supplemental reports by this date.

| <b>Date</b>                         | <b>Action</b>  |
|-------------------------------------|--|
| <b>Friday, June 5, 2015</b>         | <p>Deadline for Pfizer to serve supplemental expert reports in response to Plaintiffs' supplemental reports. Pfizer shall also provide two (2) deposition dates for each of these experts between <b>June 15, 2015, and July 10, 2015</b>.</p> <p>Plaintiffs' expert in a particular area of expertise will be deposed at least ten (10) days prior to any Pfizer expert in the same area of expertise. If, to comply this requirement, the parties need to reschedule the depositions of other Pfizer experts, Pfizer must provide two (2) additional deposition dates on or before <b>July 10, 2015</b>, for such experts.</p> |
| <b>Friday, June 12, 2015</b>        | Pfizer's case-specific expert reports due for the first two cases selected for trial, together with two (2) dates for the deposition of each expert to take place between <b>June 22 and July 24, 2015</b> .   |
| <b>Friday, July 24, 2015</b>        | Deadline to file Daubert motions on general causation and liability experts.   |
| <b>Friday, July 31, 2015</b>        | Deadline for the parties to submit joint or competing proposals for pre-trial schedule in <i>Daniels v. Pfizer</i> , Case No. 2:14-cv-1400, including briefing on motions in limine and the exchange of and objections to deposition and exhibit designations.   |
| <b>Friday, August 7, 2015</b>       | Deadline for Daubert motions on case-specific experts and for dispositive motions for the first two cases selected for trial.  |
| <b>Friday, August 21, 2015</b>      | Deadline for responses to Daubert motions on general causation and liability experts.  |
| <b>Friday, September 4, 2015</b>    | Deadline for reply briefs in support of Daubert motions on general causation and liability experts.  |
| <b>Friday, September 4, 2015</b>    | Deadline for responses to Daubert motions on case-specific experts and dispositive motions for the first two cases selected for trial.   |
| <b>Friday, September 18, 2015</b>   | Deadline for replies in support of Daubert motions on case-specific experts and dispositive motions for the first two cases selected for trial.  |
| <b>Thursday, September 24, 2015</b> | Hearing on Daubert motions on general causation and liability experts.   |
| <b>Thursday, October 8, 2015</b>    | Hearing on Daubert motions on case-specific experts and dispositive motions for the first two cases selected for trial.  |

| Date                        | Action  |
|-----------------------------|---|
| Tuesday, November 3, 2015   | Jury Selection for <i>Daniels v. Pfizer</i> , Case No. 2:14-cv-1400 |
| Wednesday, November 4, 2015 | Trial in <i>Daniels v. Pfizer</i> , Case No. 2:14-cv-1400           |

AND IT IS SO ORDERED.

  
Richard Mark Gergel  
United States District Court Judge

May 4, 2015  
Charleston, South Carolina