

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: XARELTO (RIVAROXABAN)  
PRODUCTS LIABILITY LITIGATION

MDL No. 2592

SECTION L

THIS DOCUMENT RELATES TO ALL ACTIONS

JUDGE ELDON E FALLON

MAG. JUDGE NORTH

**CASE MANAGEMENT ORDER NO. 2A**

The parties have requested that the Court amend Case Management Order (CMO) No. 2 to postpone the initial bellwether trial because of the NBA All-Star game and related logistical issues this will create, and to re-set other bellwether trial dates and deadlines.

In consideration of the parties' request, IT IS ORDERED:

A. Paragraphs 2, 3(c), 7, 8, 9, and 10 of CMO No. 2 are amended as follows:

**2. Trials.** The Court sets these initial bellwether trials for the following dates and locations:

- a. March 13, 2017 – Eastern District of Louisiana
- b. April 24, 2017 – Eastern District of Louisiana
- c. May 30, 2017 – Southern District of Mississippi
- d. TO BE SET – Northern District of Texas

**3.c. Conclusion of Defendant Discovery.** The Plaintiffs shall conclude discovery of Defendants, including depositions, by October 3, 2016.

**7. Bellwether Trial Discovery.** The parties shall meet and confer to disclose any additional fact witnesses who may be called as witnesses in such trials. Any additional fact witness depositions necessary for the four bellwether trials shall be concluded by October 3, 2016.

**8. Expert Schedule for Bellwether Trials.** The following schedule shall apply to expert witness discovery in the bellwether trials:

- a. **Plaintiff Generic and Case Specific Expert Reports.** On or before October 14, 2016, plaintiffs shall designate and provide reports by their expert witnesses for the bellwether trials.
- b. **Defendant Generic and Case Specific Expert Reports.** On or before November 15, 2016, defendants shall designate and provide reports by their expert witnesses for the bellwether trials.
- c. **Plaintiff Rebuttal Reports.** The Plaintiffs shall be allowed a rebuttal expert report only upon a showing of good cause to the Court.
- d. **Depositions.** At the time of the submission of the expert report, each expert shall indicate no fewer than three dates the expert is available for deposition. Expert depositions shall conclude by December 15, 2016. At least ten (10) days prior the deposition, the expert shall produce all files, documents and reliance materials subject to discovery under the Federal Rules.

The limitations on expert discovery set forth in Rule 26 of the Federal Rules of Civil Procedure, including the provision of Rule 26(b)(4)(A)-(D) limiting discovery with respect to draft reports, communications with experts, and depositions of consulting experts, shall apply to all bellwether cases.

**9. Briefing Schedule for Dispositive/Daubert Motions Regarding the Bellwether Trial(s).**

- a. **Motions and Briefs:** December 30, 2016
- b. **Response in Opposition Briefs:** January 22, 2017
- c. **Reply Briefs:** February 3, 2017
- d. **Hearing and Argument (if necessary):** February 10, 2017

The Court will determine at a later date to which bellwether case(s) the above schedule shall apply.

**10. Schedule for Trial Preparation Documents for the First Bellwether Trial.**

- a. **Jury Questionnaire:** January 18, 2017
- b. **Final Witness List:** February 10, 2017
- c. **Exhibit Lists and Deposition Designations:** February 10, 2017
- d. **Plaintiff Medical Updates:** February 10, 2017
- e. **Plaintiffs' and Defendants' Counter Deposition Designations:** February 21, 2017
- f. **Plaintiffs' and Defendants' Objections to Exhibits and Deposition Designations:** February 28, 2017
- g. **Plaintiffs' and Defendants' Jury Charges:** February 28, 2017
- h. **Motions *in Limine*:** February 15, 2017
- i. **Oppositions to Motions *in Limine*:** March 1, 2017
- j. **Reply Briefs Regarding Motions *in Limine*:** Shall only be allowed by agreement or Order of the Court.
- k. **Pretrial:** March 6, 2017

**B.** All provisions of CMO No. 2 other than those amended shall remain unchanged and in full force and effect.

NEW ORLEANS, LOUISIANA this 21st day of September, 2016.

  
**HONORABLE ELDON E. FALLON**  
**UNITED STATES DISTRICT JUDGE**