UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: PROTON-PUMP INHIBITOR PRODUCTS LIABILITY LITIGATION (No. II)	**2:17-MD-2789 (CCC)(MF) (MDL 2789) Judge Claire C. Cecchi**

This Document Relates to: ALL ACTIONS

CASE MANAGEMENT ORDER NO. 50
(Bellwether Pretrial Scheduling Order)

1. SCOPE AND APPLICABILITY

This Case Management Order ("CMO") is intended to conserve judicial and party resources, eliminate duplicative discovery, serve the convenience of the parties and witnesses, and promote the just and efficient conduct of this litigation. The following shall apply to all cases in MDL 2789. This CMO modifies certain deadlines set forth in CMO No. 47 and is entered upon the recommendation of Special Master Ellen Reisman.

2. PRETRIAL SCHEDULE

A. The parties shall complete all depositions of expert witnesses on or before **September 14, 2021**.

B. The parties in the six Bellwether Trial Cases[1] shall each submit a brief (not to exceed ten pages) to Special Master Ellen Reisman on or before **September 17, 2021** setting forth their recommendations for the order of the trials of the six Bellwether Trial Cases.

[1] In Case Management Order ("CMO") No. 48, Paragraph 3, this Court approved the selection of the following six cases as Bellwether Trial Cases: (a) *Freddy Bales* (2:17-cv-06124); (b) *David Foster* (2:17-cv-02475); (c) *Steve Kersch* (2:18-cv-03159); (d) *Kimberly Lee* (2:17-cv-00212); (e) *Diane Nelson* (2:17-cv-13727); and (f) *James Rieder* (2:19-cv-00850).

C. The parties shall file any motions for summary judgment or for partial summary judgment in the six Bellwether Trial Cases on or before **September 23, 2021**.

D. Any motions in the six Bellwether Trial Cases seeking to challenge expert testimony pursuant to *Daubert* shall be filed on or before **September 30, 2021**.

E. The Special Master shall review the briefing regarding the order of the trial of the six Bellwether Trial Cases and provide a recommendation to the Court on or before **October 4, 2021** regarding the order of the trials of the six Bellwether Trial Cases.

F. The Court shall determine the order of the trials of the six Bellwether Trial Cases on or before **October 15, 2021**.

G. Parties shall exchange exhibit lists and witness lists for the first bellwether trial on or before **October 22, 2021**.

H. Responses to summary judgment motions in the six Bellwether Trial Cases shall be filed on or before **October 25, 2021**.

I. Parties shall exchange supplemental exhibit lists for the first bellwether trial on or before **October 29, 2021**.

J. Responses to motions in the six Bellwether Trial Cases seeking to challenge expert testimony pursuant to *Daubert* shall be filed on or before **November 3, 2021**.

K. Motions in limine for the first bellwether trial shall be filed on or before **November 9, 2021**.

L. Reply briefs in further support of summary judgment motions in the six Bellwether Trial Cases shall be filed on or before **November 15, 2021**.

M. Reply briefs in further support of motions in the six Bellwether Trial Cases seeking to challenge expert testimony pursuant to *Daubert* shall be filed on or before **November 24, 2021**.

N. Opposition to motions in limine for the first bellwether trial shall be filed on or before **December 2, 2021**.

O. Deposition designations for the first bellwether trial shall be filed on or before **December 8, 2021**.

P. Replies to oppositions to motions in limine for the first bellwether trial shall be filed on or before **December 13, 2021**.

Q. Objections to deposition designations and counter-designations for the first bellwether trial shall be filed on or before **December 22, 2021**.

R. Objections to deposition counter-designations for the first bellwether trial shall be filed on or before **January 5, 2022**.

S. Each party shall submit proposed jury instructions, jury questionnaires, and verdict forms for the first bellwether trial on or before **January 10, 2022**.

T. The parties shall submit a proposed Joint Pretrial Order to the Court for the first bellwether trial **one week before the final pretrial conference**.

U. The Court shall hold a final pretrial conference for the first bellwether trial on **a date to be determined by the Court**.

V. Jury selection for the first bellwether trial shall be scheduled to begin on **a date to be determined by the Court**.

3. SUMMARY JUDGMENT AND *DAUBERT* MOTIONS

If the Court determines that a hearing or oral argument on summary judgment and/or *Daubert* motions, or limited/certain parts thereof, is necessary, such a hearing may be scheduled by the Court for a date to be determined by the Court.

4. TRIAL SCHEDULE

The first bellwether trial in this MDL will be held on **January 24, 2022** (or 30 days after the Court decides summary judgment and *Daubert* motions, whichever is later), with subsequent bellwether trials to follow.

IT IS SO ORDERED

SIGNED this 10th day of August, 2021.

CLAIRE C. CECCHI
United States District Judge