

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: ELMIRON (PENTOSAN
POLYSULFATE SODIUM)
PRODUCTS LIABILITY
LITIGATION

Case No. 2:20-md-02973 (BRM)(ESK)

MDL No. 2973

JUDGE BRIAN R. MARTINOTTI
JUDGE EDWARD S. KIEL

THIS DOCUMENT RELATES TO:
ALL ACTIONS

CMO 17 – Third Amended

I. **SCOPE OF ORDER**

In furtherance of the effective and efficient case management of complex litigation, this Case Management Order (“CMO”) will govern the deadlines and pretrial activity in the *Windham* matter, the first bellwether trial case for *In Re: Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation* (“MDL No. 2973”). This Order will further supplement and amend CMO 17 (Second Amended).

II. **AMENDED SCHEDULE FOR THE COURT SELECTED WINDHAM MATTER**

- A. The remaining schedule for the Court selected *Windham* matter will be further amended as follows¹:

¹ For those experts with general cause only opinions in the *Windham* matter but specific cause opinions in other bellwether trial cases, a second and limited (3 hour) deposition on the specific causation opinions for the other case will be conducted consistent with the deadlines set forth in the future CMO covering pre-trial scheduling of those matters.

Deadline	
September 27, 2022	Dispositive motions as well as <i>Daubert</i> motions were filed
December 1, 2022	Opposition briefs to dispositive motions to be filed.
December 12, 2022	Opposition briefs to <i>Daubert</i> motions to be filed.
December 15, 2022	Reply briefs to dispositive motions.
December 21, 2022	Reply briefs to <i>Daubert</i> motions to be filed.
January 12, 2023	Deposition designations to be filed.
January 25, 2023	Witness (fact and expert) lists; Exhibit lists; and motions <i>in limine</i> to be filed.
February 8, 2023	Opposition briefs to motions <i>in limine</i> to be filed and Objections and counter designations to be filed.
February 22, 2023	Objections to counter designations as well as Objections to exhibit lists to be filed.
February 27, 2023	Each party to file proposed jury instructions and outline of proposed <i>voir dire</i> process (including questionnaire, if any)
Week of: February 27, 2023	Hearing on motions in limine and deposition designations
March 6, 2023	Each party may submit a letter via email, copy to the other side and not to exceed three (3) pages, noting issues for which they seek the Court's guidance or adjudication prior to opening statements to assist the Court in preparing for the Pre-Trial Conference.
Week of March 13, 2023	<i>Windham</i> pre-trial conference.
March 23, 2023	<i>Windham</i> trial will commence.

It is so **ORDERED**.

BY THE COURT:

Dated: November 1, 2022



Hon. Brian R. Martinotti, USDJ