

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

In re: PARAQUAT PRODUCTS
LIABILITY LITIGATION

Case No. 3:21-md-3004-NJR

MDL No. 3004

This Document Relates to All Cases

CASE MANAGEMENT ORDER NO. 17
PROCEDURE FOR *DAUBERT* AND SUMMARY JUDGMENT MOTIONS

ROSENSTENGEL, Chief Judge:

On December 12, 2022, the Court issued Case Management Order No. 16 (“CMO 16”) which reset, among other things, the schedule for *Daubert* and dispositive motion briefing governing the bellwether cases selected to date. (Doc. 2957). Upon consultation with the Special Master and agreement of the parties, the Court hereby **MODIFIES** the briefing schedule as follows:

- Summary judgment and *Daubert* motions shall be filed on or before **June 6, 2023**.
- Responses to summary judgment and *Daubert* motions shall be filed on or before **July 10, 2023**.
- Replies regarding summary judgment and *Daubert* motions shall be filed on or before **July 28, 2023**.

Furthermore, the parties **SHALL** adhere to the following guidelines and page limits:

- **Roadmap Briefs:** Each side (*i.e.*, Plaintiffs and Defendants) may elect to file a “roadmap” brief—limited to 10 pages—to help guide the Court in considering their respective *Daubert* and/or summary judgment submissions. **These “roadmap” briefs must be filed at the time the parties file their opening briefs.** The roadmap briefs shall not count against either side’s page limits as set forth in the following paragraph.

- **Daubert Motions:** The parties may choose to file one *Daubert* motion and supporting brief per expert. Alternatively, the parties may file one consolidated brief. In either event, each side shall be limited to a total of 45 pages of briefing per challenged expert for their opening brief(s) and reply brief(s) collectively. Of the 45 pages of briefing per challenged expert, no more than a total of 20 pages of briefing per challenged expert may be allocated to the reply briefs. The opposing side may likewise file separate oppositions or consolidated oppositions, but in either case the opposing party is limited to a total of 45 pages of briefing per challenged expert.
- **Daubert and Summary Judgment Hearing:** The hearing on the *Daubert* and summary judgment motions is rescheduled to begin on **August 21, 2023, at 9 a.m.**, in the East St. Louis Courthouse. The Court has set aside the entire week of August 21 for this hearing, if needed. **A detailed schedule outlining the order and process for hearing these motions, as well as any request for live witnesses, will be entered after the motions are filed.**
- **Summary Judgment Motions:** Defendants may file three summary judgment motions: one joint motion on behalf of both Defendants, and one motion each on behalf of Syngenta and Chevron, respectively. The joint motion shall be limited to 30 pages; the separate motions are limited to 20 pages each. Plaintiffs will have the same number of pages to submit three corresponding oppositions. Defendants' reply briefs shall not exceed a total of 25 pages, to be allocated among the reply briefs at Defendants' discretion.

IT IS SO ORDERED.

DATED: April 21, 2023

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style. Behind the signature, there is a faint circular seal of the United States District Court for the Eastern District of Illinois.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge