

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: PARAGARD IUD)	MDL <u>DOCKET NO. 2974</u>
PRODUCTS LIABILITY)	
LITIGATION)	1:20-md-02974-LMM
)	This Document Relates to the BELLWETHER POOL PLAINTIFF CASES

**CASE MANAGEMENT ORDER AND SECOND AMENDED
SCHEDULING ORDER**

This matter is before the Court on Plaintiffs and Defendants' Joint Consent Motion for Extension of Scheduling Order Deadlines. Dkt. No. 602. Plaintiffs and Defendants Joint Motion for Extension of Scheduling Order Deadlines is GRANTED. This Case Management Order hereby supersedes and replaces the First Amended Scheduling Order [Dkt. No. 541] and related Case Management Orders [Dkt Nos. 551 and 554].

The Court is aware that the parties are continuing to meet and confer regarding deadlines and that issues related to such deadlines will be presented to the Court during the January 2024 status conference. In the interim, the following deadlines shall apply:

<u>EVENT</u>	<u>DATE</u>
Close of case-specific fact discovery in first Bellwether / trial pool cases and general corporate discovery in all cases, subject to Defendants' obligations to supplement their discovery responses as set forth in Rule 26(e) of the Federal Rules of Civil Procedure and the right of any party to seek leave for additional discovery	April 9, 2024
Deadline for Plaintiffs to serve Rule 26 expert disclosure and expert reports in Bellwether / trial pool cases; to include 3 dates each designated expert witness may be deposed and the proposed location(s)	April 29, 2024
Deadline for Defendants to serve Rule 26 expert disclosure and expert reports in Bellwether / trial pool cases; to include 3 dates each designated expert witness may be deposed and the proposed location(s)	May 27, 2024
Deadline for rebuttal experts under Rule 26(a)(2)(D)(ii) in Bellwether / trial pool cases; to include 3 dates rebuttal expert may be deposed and the proposed location(s)	June 18, 2024
Close of expert discovery in first Bellwether/trial pool cases	June 9, 2024
<i>Daubert</i> Motion deadline in Bellwether trial eligible cases	July 23, 2024
Responses in opposition to <i>Daubert</i> motions in Bellwether trial eligible cases	August 13, 2024
Replies to <i>Daubert</i> motions in Bellwether trial eligible cases	August 27, 2024
Dispositive motion deadline in Bellwether trial eligible cases	September 10, 2024
Responses in opposition to dispositive motions in Bellwether trial eligible cases	October 1, 2024

<u>EVENT</u>	<u>DATE</u>
Replies to dispositive motions in Bellwether Trial Eligible Cases	October 15, 2024
Consolidated pretrial order deadline in Bellwether trial eligible cases	November 15, 2024
Motion in limine deadline in Bellwether trial eligible cases	November 22, 2024
Responses to motions in limine in Bellwether trial eligible cases	November 29, 2024
Pretrial Conference in Bellwether trial eligible cases	TBD
Final Pretrial Conference in Bellwether trial eligible cases	TBD
First Bellwether Trial	TBD

Additionally, with respect to the Bellwether deadlines previously entered in Dkt No. 554, the Court orders the following new temporary deadlines:


1. On or before April 9, 2024, the parties will meet and confer to make alternate strikes of the BELLWETHER POOL cases until five cases remain. Defendants collectively will make strikes 1 and 3, and Plaintiffs collectively will make strikes 2 and 4.
2. On or before April 12, 2024, the parties will meet and confer to make alternate picks from the five cases remaining. The Defendants will make pick 1, and the Plaintiffs will make pick 2.
3. On or before April 15, 2024, the parties will provide a two-page position paper to the Court concerning which 1 of the remaining 3 cases should be selected by the Court for inclusion in the TRIAL ELIGIBLE POOL. The Court shall select one of the remaining three cases for inclusion in the TRIAL ELIGIBLE POOL.
4. The Court recognizes additional discovery may be needed for the three cases selected through this process. In the event that additional discovery is

needed for these cases, the parties will meet and confer in an attempt to agree to the additional discovery needed. Any unresolved disputes may be brought to the Court by way of a concurrent submission of a two-page, single-spaced letter brief by April 15, 2024.

5. The April 29, 2024 through November 29, 2024 deadlines in the Second Amended Scheduling Order apply only to the three TRIAL ELIGIBLE CASES.

Nothing herein is intended to (1) eliminate any applicable provisions of the Federal Rules of Civil Procedure or local court rules; or (2) be interpreted as waiving, abridging, modifying, or limiting the Parties' rights under *Lexecon v. Milberg Weiss Bershad Hynes & Lerach*, [523 U.S. 26](#) (1998).

IT IS SO ORDERED this 2nd day of January, 2024.


LEIGH MARTIN MAY
UNITED STATES DISTRICT JUDGE