

IN RE: GADOLINIUM BASED
CONTRAST AGENTS PRODUCTS
LIABILITY LITIGATION

: COURT OF COMMON PLEAS
:
:
: PHILADELPHIA COUNTY, PA.
:
: JULY TERM 2009
:
: NO. 1505

In Re: Gadolinium Based Contrast Agents (Gbc-ORDER)

CASE MANAGEMENT ORDER NO. 3

(2008 Case Schedule)



09070150500034

I. SCHEDULE FOR CASES FILED IN 2008

Group 1:

<i>Kathleen Kerrigan v. Bayer Corporation, et al.</i>	June Term, 2008, No. 01064
<i>Janice and James Clark v. Bayer Corporation, et al.</i>	June Term, 2008, No. 01067
<i>Sheila Glover v. Bayer Corporation, et al.</i>	June Term 2008, No. 01069

Discovery deadline: 4/1/10

Plaintiffs' expert reports: 5/1/10

Defendants' expert reports: 6/1/10

Depositions of experts: 6/15-8/3/10¹

Dispositive/*Frye*/pretrial motions due: 8/16/10

Cases trial ready: 10/15/10

DOCKETED
COMPLEX LIT CENTER
JAN 17 2008
J. STEWART

Group 2:

<i>Joseph and Joyce Spano v. Bayer Corporation, et al.</i>	June Term, 2008, No. 01070
<i>Lindon Haynes, Jr. v. Bayer Corporation, et al.</i>	August Term, 2008, No. 00117
<i>Herbert Bragg v. Bayer Corporation, et al.</i>	August Term, 2008, No. 02619

Discovery deadline: 5/1/10

Plaintiffs' expert reports: 6/1/10

¹ Experts in Group 1, Group 2, Group 3 and Group 4 shall be deposed at the Court's discretion. The parties hereby agree that to the extent possible, depositions of plaintiffs' experts shall be completed prior to commencing depositions of defendants' experts.

Defendants' expert reports: 7/1/10

Depositions of experts: 7/15-9/1/10

Dispositive/*Frye*/pretrial motions due: 9/15/10

Cases trial ready: 11/15/10

Group 3:

Michael and Cynthia Paige v. Bayer Corporation, et al.

August Term, 2008, No. 02617

Cynthia and Michael Paige v. Bayer Corporation, et al.

August Term, 2008, No. 02622

Alfred Duff v. Bayer Corporation, et al.

August Term, 2008, No. 02623

George and Cindy Torres v. Bayer Corporation, et al.

August Term, 2008, No. 02749

Discovery deadline: 6/1/10

Plaintiffs' expert reports: 7/1/10

Defendants' expert reports: 8/2/10

Depositions of experts: 8/16-10/1/10

Dispositive/*Frye*/pretrial motions due: 10/15/10

Cases trial ready: 12/15/10

Group 4:

Walter Ennals v. Bayer Corporation, et al.

November Term, 2008, No. 01960

~~*Julie Rostad v. Bayer Corporation, et al.*~~

~~November Term, 2008, No. 03429~~

*Timothy Shull, Individually and on behalf of the Estate of
Mitzi Shull v. Bayer Corporation, et al.*

December Term, 2008, No. 01920

*Ronald DeWitt Cox on behalf of the Estate of Anita Marie
Cowan v. Bayer Corporation, et al.*

December Term, 2008, No. 03472

Discovery deadline: 7/1/10

Plaintiffs' expert reports: 8/2/10

Defendants' expert reports: 9/1/10

Depositions of experts: 9/15-11/1/10

Dispositive/*Frye*/pretrial motions due: 11/15/10

Cases trial ready: 1/18/11

Cases shall be tried individually and in consecutive order unless the Court orders otherwise.

II. 2009 CASES

The parties shall meet and confer to produce a schedule for cases filed in 2009.

III. CASE SPECIFIC PRE-TRIAL DEADLINES

Plaintiff to serve page/line designations of deposition testimony 45 days before the scheduled trial date.²

Defendants to serve page/line counter-designations of deposition testimony, objections to plaintiff's deposition designations and affirmative page/line designations of deposition testimony 30 days before the scheduled trial date.

Plaintiff to serve page/line counter designations of deposition testimony and objections to defendants' deposition designations 15 days before the scheduled trial date. Defendants to serve objections to plaintiff's counter-designations 3 days before the scheduled trial date.

Plaintiff to serve his or her exhibit list, including a description of each document or other exhibit, document production number (if applicable) and an electronic copy of the exhibits (except demonstrative exhibits) 45 days before the scheduled trial date.

Defendants to serve objections to plaintiff's exhibits, and serve their exhibit list, including a description of each document or other exhibit, document production number (if applicable) and an electronic copy of the exhibits (except demonstrative exhibits) 30 days before the scheduled trial date. Plaintiff to serve objections to defendants' exhibits 15 days before the scheduled trial date.

² For any deposition taken with 45 days of the trial date, deposition designations shall be served no later than 14 days after receipt of the deposition transcript, with objections and counter-designations due seven days thereafter.

Exhibits not included on a party's exhibit list (except exhibits used for impeachment) shall not be received into evidence absent a showing of good cause as to why the exhibit was not included on the exhibit list.

Plaintiff to serve his or her witness list 45 days before the scheduled trial date.

Defendants to serve their witness list 30 days before the scheduled trial date.

Witnesses not included on a party's witness list shall not be called at trial absent a showing of good cause as to why the witness was not included on the witness list.

Motions in limine to be filed and served 60 days before the scheduled trial date.

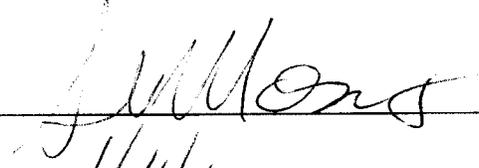
Responses to motions in limine to be filed and served 14 days after service of the motions in limine.

Hearings on motions in limine and other pretrial motions to be determined by the Court.

Jury instructions agreed upon by the parties to be submitted 30 days before the scheduled trial date. All instructions not agreed upon by the parties shall be separately submitted by the plaintiffs and defendants 30 days before trial.

Final pretrial conference to be determined by the Court.

BY THE COURT:



11/11/10 J.

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