

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 60
(FIRST AMENDED DOCKET CONTROL ORDER)**

It is **ORDERED** that PTO # 33 is amended. By PTO # 56, I chose the first 4 of 6 bellwether cases in this MDL, and by PTO # 59 I amended the order of the cases to be tried. **As to the first two cases, *Carolyn Lewis and Judy Brown*,¹** the following deadlines apply:

1. *Plaintiffs' Expert Reports.* On **September 16, 2013**, plaintiffs shall provide the name and specialty of experts along with proposed deposition dates. Plaintiffs shall serve expert reports by **September 23, 2013**.
2. *Defendants' Expert Reports/Rebuttal Expert Reports.* On **September 27, 2013**, defendants shall provide the name and specialty of experts along with proposed deposition dates. Defendants shall serve expert reports by **October 3, 2013**. Plaintiffs shall serve rebuttal expert reports by **October 10, 2013**.
3. *Written Discovery.* Parties shall serve any and all final, non-duplicative written discovery no later than **October 21, 2013**.
4. *Expert Discovery.* Expert Discovery for the *Lewis* and *Brown* bellwether cases shall be completed by **October 30, 2013**.

¹ The court will enter separate Docket Control Orders for the other bellwether cases.

5. Case-Specific Discovery. Discovery on the *Lewis* and *Brown* bellwether cases shall be completed by **December 15, 2013.**
6. Motion Practice.
 - a. Daubert Motions and Non-Daubert based Dispositive Motions shall be filed by **November 4, 2013.** Response briefs shall be filed by **November 13, 2013.** Reply briefs shall be filed by **November 18, 2013.**
 - b. Daubert based Dispositive motions and motions in limine shall be filed by **December 16, 2013.** Response briefs shall be filed by **December 20, 2013.** Motions in Limine are limited to 3 pages each, responses are limited to 2 pages each.
 - c. Dates for summary judgment and *Daubert* hearings, if any, will be set at an upcoming status conference.
 - d. Local Rule of Civil Procedure 7.1(a)(2) applies regarding the page limits on memoranda in support of dispositive motions as well as responses and replies. The court will not be inclined to grant motions to exceed the page limit. The court requests that the parties abide by Local Civil Rule 7.1(a)(5) regarding courtesy copies.
7. Pretrial and Final Settlement Conferences. The Court shall conduct a pretrial conference on **January 8, 2014, at 1:00 p.m.** and will notify the parties as to the date of a final settlement conference.
8. Deposition Designations. Deposition designations shall be filed by **December 16, 2013.** Any objections to an opposing party's designations, and any counter-designations shall be filed by **December 30, 2013.** Any objections to the counter-

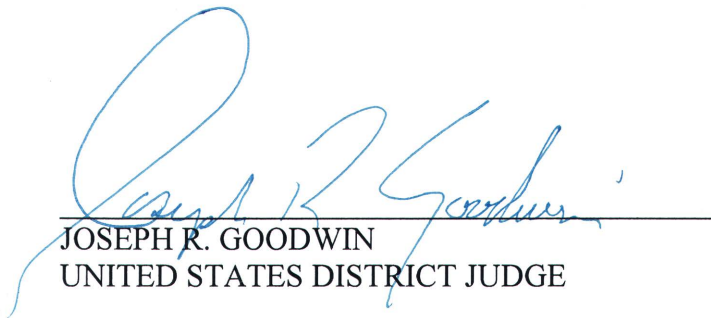
designations, and any counter-designations to an opposing party's counter-designations, shall be filed by **January 6, 2014**.

9. Exhibit and Witness Lists. The parties will exchange exhibit and witness lists by **December 16, 2013**.
10. The parties shall file a proposed integrated pretrial order pursuant to Fed. R. Civ. P. 16 3 days prior to the pretrial conference. The proposed integrated pretrial order, signed by all counsel and unrepresented parties, shall set forth the matters listed in Local Civil Rule 16.7(b).
11. The parties shall file proposed jury instructions in charge form on substantive theories of recovery or defense, on damages and on evidentiary matters peculiar to the case, and special interrogatories, if any be appropriate to the case, along with a proposed verdict form on **January 3, 2014**. The court requests that the parties email the proposed jury instructions to the court's law clerk in Word format.
12. Trial. The *Lewis* trial as identified in PTO # 59 shall commence on **January 14, 2014 at 8:30 a.m.** If the *Lewis* case has settled or is otherwise not ready for trial, the *Brown* case will proceed to trial.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and **in the following cases:** 2:12-cv-4301 and 2:12-cv-07314 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:13-cv-018239. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases

subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: August 5, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE