

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: E. I. DU PONT DE
NEMOURS AND COMPANY C-8
PERSONAL INJURY LITIGATION,**

**Civil Action 2:13-MD-2433
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth P. Deavers**

This document relates to: ALL CASES.

PRETRIAL ORDER NO. 15

February 28, 2014 Conference Order

This matter came before the Court for an in-person status conference on February 28, 2014. This Order memorializes the results of the conference as follows:

The Court first conferred with counsel regarding the bellwether trial selection protocols. The parties have agreed to a schedule and process for these selections. The Court has reviewed and approved the protocols and will issue Case Management Order No. 6 related to these.

Defense counsel next reported the status of their rolling document production, which is on tract with the schedule previously set.

Third, the parties informed the Court of the current status of the PSC's request for Rule 30(b)(6) depositions. The parties are still at the meet and confer stage of this process and will contact the Court if they need assistance.

Fourth, the Court conferred with the parties about the status of Du Pont's gathering of Plaintiffs' medical records. This process is governed by Case Management Order No. 4.

Defense counsel expressed concern with the timing of their ability to obtain the records, which they contend has an impact on the bellwether trial selection protocol. The parties are in agreement over most of the process with the exception of the payment of the cost of obtaining the records. The Court directed the parties to attempt to resolve the issue within one week. If the parties are unable to do so, the Court will entertain simultaneous **motions on the issue to be filed on March 7, 2014**. The parties will then be permitted to simultaneously file **memoranda in opposition to the motions on March 14, 2014**. The motions and memoranda each shall not exceed ten pages in length.

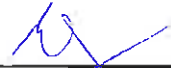
The Court last discussed with the parties the service and filing of new complaints, which is governed by Case Management Order No. 3. There have recently been filed complaints that have over thirty named plaintiffs in each. Defense counsel is in contact with the attorney who filed the complaints in an attempt to gain voluntary compliance with what it believes is improper joinder. Defense counsel indicated that if the cases stay as filed they anticipate filing motions to dismiss. With these additional plaintiffs, the total number of plaintiffs in this case has reached 186.

The next in-person two status conferences are scheduled for **April 1, 2014 and May 6, 2014, both at 1:30 p.m.** in **Room 301** of the United States District Court, Joseph P. Kinneary United States Courthouse. As set forth in the Court's April 12, 2013 Order (ECF No. 2), the parties must confer prior to the conferences and file with the Court, no later than two business days prior to the conference, an agenda of issues to be addressed. The Court also reminds the parties to email a list of participants and their email addresses to the Court no later than two business days prior to the conference.

IT IS SO ORDERED.

3-4-2014

DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE



ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE