

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. 19

May 6, 2014 Conference Order

This matter came before the Court for an in-person status conference on May 6, 2014.

This Order memorializes the results of the conference as follows:

The Court first addressed with the parties the status of DuPont's Motion to Limit *Ex Parte* Communications with Treating Physicians and to Allow Deposition Scheduling Contacts. Because the scheduling of the depositions addressed in that motion is a time-sensitive issue, the Court issued a decision that considered only that part of DuPont's Motion. (Discovery Order No. 6, ECF No. 264.) The Court will address the remaining issue related to the *ex parte* communications in a separate decision.

The Court next inquired as to the status of DuPont's document production and privilege log. The parties indicated that they are still meeting and conferring on this issue, that DuPont has produced some documents and made some corrections to its privilege log, and that the parties are working together to narrow other issues. The parties informed the Court that the

issues will be resolved in the near future or the parties will have reached impasse. If the latter occurs, Plaintiffs' counsel expressed their intent to file a motion related to the issue.

The third item the parties raised at the conference was the status of their tolling agreement discussions. The parties informed the Court that DuPont has declined to enter into any tolling agreements with Plaintiffs in this action.

The Court next discussed with the parties the proposed Case Management Order related to the initial trial case selection. The Court and the parties selected mid-February 2015 and mid-April 2015 as additional trial dates to be held open for this case. As to the remainder of the issues raised related to the trial case selection, the parties will continue negotiations and will submit by June 3, 2014, another proposed Case Management Order. That proposed order will be discussed at the next in-person status conference.

The parties next informed the Court about the status of DuPont's Rule 30(b)(6) deposition scheduling. The parties indicated that they are currently coordinating dates for the depositions.

The Court then conferred with the parties about the status of their settlement discussions with their chosen mediator, Frank Ray. The parties expressed their belief that settlement discussions are premature, but were in agreement that Mr. Ray may be helpful in pretrial matters. The parties will explore with Mr. Ray his potential assistance with these matters.

Finally, the Court discussed the issue of Charles Franklin Prunty, Jr., who is one of the plaintiffs in this action. Mr. Prunty is incarcerated in West Virginia. At the Court's request, Plaintiffs' counsel agreed to send to Mr. Prunty copies of the Case Management Orders, Pretrial Orders, and Discovery Orders issued in this action.

The next two in-person status conferences are scheduled for **JUNE 10, 2014, at 1:30 p.m. and JULY 8, 2014, 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 status conference and send to the Court, no later than two business days prior to the conference, an agenda of issues to be addressed. If any of those issues relate to proposed orders or other documents the parties plan to discuss with the Court during the conference, those proposed orders or other documents should be submitted with the agenda.

IT IS SO ORDERED.

5-9-2014
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE


ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE