

**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. 23

August 13, 2014 Conference Order

This matter came before the Court for an in-person status conference on August 13, 2014.

This Order memorializes the results of the conference as follows:

The first topic discussed was the bellwether trials. The parties reported to the Court that the bellwether discovery process is complete and that the trial case selection process is proceeding in accordance with the previously established schedule.

Next, the parties addressed Plaintiffs' Motion to Modify Case Management Order No. 4 Regarding Plaintiff Fact Sheets and Records Authorizations and to Modify Case Management Order No. 3 Regarding Service of Plaintiffs' Complaints, Defendant's Abbreviated Answer and Affirmative Defenses, Initial Disclosures ("Plaintiffs' Motion"), which Plaintiffs recently filed. (ECF No. 655.) The Court offered to accept argument from counsel on the issues raised in that Motion and decide it at the conference or to permit the parties to submit their arguments on brief. The parties chose the latter. The Court granted two requested time extensions related to

Plaintiffs' Motion: DuPont is permitted to file its opposition to Plaintiffs' Motion on or before August 20, 2014, and the submission dates of the Plaintiff Fact Sheets that are coming due prior to the Court's ruling on Plaintiffs' Motion are extended by two weeks.

The parties then reported to the Court regarding the taking of DuPont's witness depositions. Five of the eleven depositions have been scheduled. The parties anticipate coming to agreement on the dates upon which the remainder of the depositions will be taken within the next week.

The parties next addressed the agenda item related to Defendant's Motion to Drop Misjoined Plaintiffs from the *Gregory* and *Bauman* Actions. (ECF No. 271.) The Court informed the parties that the motion was under consideration and that a decision was forthcoming.

Finally, the parties discussed with the Court the status of their meetings with Mediator Frank Ray. The parties suggested that the Court invite Mr. Ray to attend the next conference, which will be done. Additionally, the Court suggested that Mr. Ray could be utilized in situations where the parties have reached impasse on an issue and plan to file a motion addressing the issue. The parties agreed that such a process would be beneficial, that they would discuss the process, and that they would propose a case management order related to it.

The next conference will be an in-person status conference scheduled for **SEPTEMBER 10, 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 conferences and file with 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.

8-18-2014
DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE



ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE