

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. 28

October 29, 2014 Conference Order

This matter came before the Court for an in-person status conference on October 29, 2014. This Order memorializes the results of the conference as follows:

The parties reported to the Court that the trial case discovery and the scheduling of DuPont fact witness depositions are both proceeding in accordance with expectations. The parties are successfully meeting and conferring about each issue as it is raised, leaving nothing ripe for judicial intervention.

The Court next addressed DuPont's request to schedule oral argument on Plaintiffs' first dispositive motion and DuPont's counter-motion. Plaintiffs' counsel informed that Court of their concern that oral argument would postpone the Court's decision on these motions. The Court indicated to the parties that it was inclined to permit oral argument on the motions within an expedited time frame so that it would not cause delay in consideration of the motions. The Court therefore scheduled an **Oral Hearing for November 13, 2014, at 10:00 a.m.** Each side shall be permitted thirty (30) minutes to present argument. Plaintiffs' counsel shall go first and will be

permitted five (5) minutes for rebuttal. **The next in-person status shall follow the November 13, 2014 Oral Hearing.**

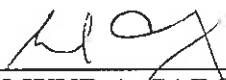
As set forth in Pretrial Order No. 1, (ECF No. 2), the parties must confer prior to the conference and file with the Court, no later than two business days prior to the conference, an agenda of issues to be addressed. If any of those issues relate to proposed orders or other documents the parties plan to discuss with the Court during the conference, those proposed orders or other documents should be submitted with the agenda.


The Court next inquired of Plaintiffs' counsel about the number of plaintiffs they anticipate being added to this MDL. Counsel estimated that by the end of January 2015, the total number of plaintiffs would exceed 3000 but would not likely be more than 4000.

Finally, the Court discussed the status of the parties' agreements regarding mediation. The parties had submitted a proposed Case Management Order ("CMO") regarding the use of the mediator to address disputes before the parties engage in motion practice. The Court approved that CMO and issued it. (CMO No. 8; ECF No. 1297.) Plaintiffs' counsel suggested that the parties work with the mediator to draft a CMO addressing a more specific structure of the mediation process. The parties agreed that they would discuss a more detailed schedule regarding mediation and will report their progress to the Court at the next in-person status conference.

IT IS SO ORDERED.

10-31-2014
DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE


ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE