

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. 31

January 26, 2015 Conference Order

This matter came before the Court for an in-person status conference on January 26, 2015. This Order memorializes the results of the conference as follows:

Initially, the parties informed the Court that the initial trial cases, including the selection of the next four cases for trial, are proceeding in accordance with the previously established deadlines. The parties also informed the Court that the following events are proceeding in accordance with the previously-established schedules and the parameters set forth in CMO 7 and PTO 29:

- The scheduling of the parties' experts' depositions.
- The scheduling of DuPont's fact-witness depositions.
- The briefing of DuPont's motion to compel interrogatory responses and responses to requests for admission (ECF No. 1985).
- The briefing of DuPont's pending partial summary judgment motions (ECF Nos. 1897, 1898).

- Future requests for documents to be filed on the docket under seal.

The parties then informed the Court of their respective positions on expediting the briefing on Plaintiffs' Motion to Compel, which concerns DuPont's financial condition in view of the creation of a spin-off entity (ECF No. 1903). The Court established the following expedited briefing schedule:

- DuPont's response in opposition is due on or before February 5, 2015.
- Plaintiffs' reply is due on or before February 9, 2015.

The Court also addressed the choice-of-law issue with the parties and established the following briefing schedule:

- On February 17, 2015, the parties shall contemporaneously file briefs setting forth their positions.
- On February 24, 2015, the parties shall contemporaneously file response memoranda.

The parties next agreed to supply to Mediator Frank Ray dates in February 2015 that they are available to meet to discuss the mediation process.

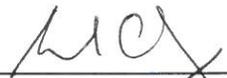
Additionally, the parties informed the Court that they anticipate that this MDL will ultimately contain between 3500 and 3600 individual cases. The Court discussed with the parties the anticipated procedure for addressing the cases that were originally filed in West Virginia. Plaintiffs' counsel indicated that Plaintiffs have not yet determined whether they will agree to a *Lexicon* waiver and ask that the cases be tried in this jurisdiction or anticipate trying the cases in West Virginia before the undersigned district judge or another judicial officer.

Finally, the Court set the next in-person status conference for February 26, 2015 at 10:00 a.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

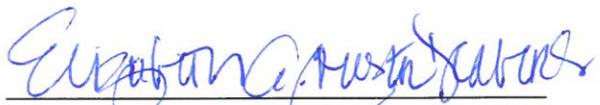
confer prior to the conferences and file with the Court, no later than two business days prior to the conference, an agenda of issues to be addressed. If any of those issues relate to proposed orders or other documents the parties plan to discuss with the Court during the conference, those proposed orders or other documents should be submitted with the agenda.

IT IS SO ORDERED.

1-29-2015
DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE



ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE