

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  
CHIEF JUDGE EDMUND A. SARGUS, JR.  
Magistrate Judge Elizabeth Preston Deavers

This document relates to: ALL CASES.

PRETRIAL ORDER NO. 42

**January 27, 2016 Conference Order**

This matter came before the Court for an in-person status conference on January 27, 2016. This Order memorializes the results of the conference as follows:

1. The Court informed the parties that it had reviewed their submissions regarding the future management of the cases that make up this MDL (ECF Nos. 4275, 4284, 4288) and had decided the following:
  - a. The approximately 260 cancer cases will be tried first. Beginning April 2017, forty cases will be tried per year on a ten month cycle. Specifically, four cases per month will be tried, one starting each Monday of the month. The Court will not schedule any cases for trial from Thanksgiving through the Christmas/New Year holidays.
  - b. The Court will continue to try cases but will also manage a trial schedule that will utilize other judges from this District as well as visiting judges.
  - c. The parties shall meet and confer in an attempt to come to agreement as to the population for the first forty cases. The parties shall report their conclusions at the next in-

person status conference. If the parties are unable to agree, the Court will have the cases randomly drawn.

d. The parties shall agree on a proposed scheduling order for the first forty cases, also to be submitted and discussed at the next in-person status conference.

2. The Court also discussed the issue of the *Lexecon* waivers with the parties. The Court suggested and the plaintiffs agreed that they shall provide the waivers for the cancer cases by the next in-person status conference. While no specific date was given for the remainder of the *Lexecon* waivers, the Court directs the plaintiffs to provide them within the next three months.

3. DuPont next offered its proposed revisions to the jury questionnaire. The plaintiffs shall be given one week to offer a counter-proposal to DuPont, and DuPont shall have one week to submit its reply. This issue will be discussed at the next in-person status conference.

4. The plaintiffs then informed the Court and DuPont that Mr. Wolf intended to withdraw his battery claim.

5. The parties next discussed the status of the plaintiffs' amended motion to compel related to DuPont's mergers (ECF Nos. 4106, 4195, 4298) and the plaintiffs' motion for clarification regarding fear of developing other diseases (ECF No. 4285.) The Court will take these motions under consideration once they are fully briefed.

6. Finally, the next in-person status conference is scheduled for March 4, 2016 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. Also, trial counsel for Mr. Wolf must be present at this conference.

**IT IS SO ORDERED.**

2-2-2016  
**DATE**

  
**EDMUND A. SARGUS, JR.**  
**CHIEF UNITED STATES DISTRICT JUDGE**