

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 P. Deavers

This document relates to: ALL CASES.

PRETRIAL ORDER NO. 33
Emails to Chambers and Request to Amend Pretrial Order No. 29

The plaintiffs' Co-Lead Counsel for the Steering Committee emailed the Court on March 31, 2015, for the purpose of requesting extensions of the *Daubert* motions deadlines established in this Court's Scheduling Order. (Pretrial Order No. 29; ECF No. 1466.) Co-Lead Counsel indicates that it agreed to schedule certain expert "deposition dates with the understanding that defense counsel would not have an objection to certain *Daubert* Motions being made after the current Summary Judgment/*Daubert* Motion deadline."

Initially, the Court informs the plaintiffs' Co-Lead Counsel that the proper vehicle to move this Court to amend one of its Orders is by filing a motion, not by email. *See* S. D. Ohio Civ. R. 7.2(c) ("Letters to the Court are not permitted unless (1) requested by the Court in a specific matter, or (2) advising the Court of the settlement of a pending matter. All other written communications must be by way of formal motion or memorandum submitted in compliance with these Rules."). Additionally, whether or not the defendant had an objection to extending the *Daubert* motion filing deadline does nothing to that deadline. The parties certainly cannot by agreement amend this Court's scheduling orders.

Finally, the Court directs its attention to the plaintiffs' request to extend the *Daubert* motions deadline. While the Court will not accept any such requests by email in the future, in the interest of conserving judicial resources, it will address the plaintiffs' current request here. The Court notes that it has discussed this issue with the parties numerous times at the in-person status conferences. At the conference held just one month ago, the parties and the Court addressed this issue, which was documented as follows:

The parties next informed the Court that all of the expert depositions have now been scheduled. The final expert deposition is set to be completed by April 16, 2015. The parties stated that the completion of the expert depositions will not push back any previously set deadlines regarding motions for summary judgment or *Daubert* motions. Additionally, the Court acknowledged that, due to the timing of the expert depositions, there may be a need to supplement a motion with one of the expert depositions after that motion has been filed.

(PTO No. 32; ECF No. 2478.)

The Court finds no good cause to deviate from this schedule. The deadline for filing *Daubert* motions has twice been extended, already leaving the Court with an abbreviated period of time to decide the motions before the first trial. Accordingly, the plaintiffs' request is

DENIED.

IT IS SO ORDERED.

4-2-2015

DATE



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