

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: JOINT TRIAL NO. 1:

Doug Holsinger v. E. I. du Pont de Nemours and Company,
Case No. 2:18-cv-0151

Terry Hunt and Larry Hunt v. E. I. du Pont de Nemours and Company.
Case No. 2:18-cv-0384

Cheryl Laudermit v. E. I. du Pont de Nemours and Company, et al.,
Case No. 2:18-cv-0139

Patricia Morgan v. E. I. du Pont de Nemours and Company,
Case No. 2:19-cv-1063

Wilson Putnam v. E. I. du Pont de Nemours and Company,
Case No. 2:19-cv-0019

Danny Russell and Leah Russell v. E. I. du Pont de Nemours and Company, et al.,
Case No. 2:18-cv-00130

CASE MANAGEMENT ORDER NO. 29

Initial Pretrial Schedule for Joint Trial No. 1

In furtherance of the Court's directives in PTO 51, to facilitate the administration of this litigation, expedite discovery, and conserve judicial resources, the Court hereby enters the following Case Management Order with respect to Joint Trial No. 1, the first trial from the actions that were filed after the 2017 MDL Global Settlement.

I. Multi-Plaintiff Consolidated Trials

The parties have submitted separate briefing on which cases should comprise the plaintiffs to be worked up as a multi-plaintiff consolidated trial (“Joint Trial”). The following schedule will apply to the cases the Court selects to be worked-up for first the Joint Trial:

1. Fact Discovery Commences: Immediately upon the Court’s determination of the Joint Trial cases and shall conclude October 18, 2019.
2. Plaintiffs’ Expert Reports Due: October 25, 2019.
3. Defendant’s Expert Reports Due: November 25, 2019.
4. Plaintiffs’ Rebuttal Expert Reports Due: December 9, 2019.
5. Expert Discovery Ends: January 24, 2019.
6. Summary Judgment, *Daubert* and Other Dispositive Motions Due: February 10, 2020.
7. Oppositions to Summary Judgment, *Daubert* and Other Dispositive Motions Due: March 10, 2020.
8. Replies to Summary Judgment, *Daubert* and Other Dispositive Motions Due: March 25, 2020.
9. Trial Date for Joint Trial: June 3, 2020 (the Court will issue its Trial Schedule forthwith)

On or before September 27, 2019, the PSC and Defendants shall either agree on approximately 6 more cases that shall comprise the second Joint Trial or shall each identify approximately 6 more cases that shall comprise the second Joint Trial. The September 27, 2019 submission shall also include a proposed schedule for expert discovery and dispositive motions.

The parties shall meet and confer and develop a plan for a third Joint Trial group and submit a proposed schedule to the Court on or before March 24, 2020.

II. Incorporation of CMO 28 and Discovery

- A. Section V of CMO 28 is expressly incorporated herein.


- B. During the fact discovery period, the Parties shall be permitted to take non-duplicative discovery as permitted by the Federal Rules of Civil Procedure.
- C. Any individual named in good faith on a party's "will call" trial witness list, who has not previously been deposed, may be deposed prior to trial. Any deposition conducted pursuant to this provision must be completed within 45 days of the opposing party's receipt of the witness list, or later upon agreement of counsel, or with leave of Court. To the extent either side designates more than three (3) witnesses on its "will call" list who have not previously been deposed, the time limit shall be increased to 60 days. By agreement of counsel or order of the Court, this 60 day period to depose more than 3 "will call" witnesses may be further enlarged.
- D. For any Case-Specific Expert, the first deposition of that witness shall be taken as provided by the Federal Rules of Civil Procedure. Following a case-specific expert's first deposition, each such expert's deposition shall be limited to 2 hours for each case, and will be limited to new (previously undisclosed) opinions and/or new information not discussed at any prior deposition of that expert.
- E. Absent agreement of the parties, or reasonable cause shown and permission from the Court, experts providing non-case specific expert opinions that will be used in multiple cases ("Non-Case Specific Experts") shall only be deposed one time, which includes any such depositions taken in connection with any of the bellwether or earlier trial pool cases in this MDL. Subsequent depositions will be allowed only on new (previously undisclosed) opinions and/or on any new information referenced or relied upon in any subsequent report by any such

expert that was not covered at either the first or prior deposition(s) of that expert
in this MDL.


IT IS SO ORDERED.

6-17-2019
DATE

6-17-2019
DATE



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



ELIZABETH P. DEAVERS
CHIEF UNITED STATES MAGISTRATE JUDGE