

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.
Chief Magistrate Judge Elizabeth P. Deavers

This document relates to: ALL POST-SETTLEMENT CASES.

PRETRIAL ORDER NO. 53

Joint Status Report in Lieu of July 1, 2019 Conference

In accordance with Pretrial Order No. 52 (“PTO 52”), the parties have conferred, and report to the Court as follows:

1. Status of Expert Discovery in *Swartz* and *Abbott* Trial Cases

Expert discovery in the *Swartz* and *Abbott* cases—the first two cases set for trial—is ongoing. The parties have disclosed their expert witnesses in both cases, and have served and/or filed the corresponding expert reports. Further, most of the expert witnesses have already been deposed, and the parties have cooperated in finalizing the scheduling of all expert depositions for which an expert report has been provided. Due to a personal situation involving Defendant’s psychological and emotional distress expert in the *Abbott* case, and with Plaintiff’s consent, that expert’s report has not been finalized and served. The parties will be requesting the Court for an enlargement of time for Plaintiff to file a *Daubert* motion as a result of this situation. Additionally, due to Plaintiff’s expert’s scheduling issues, Dr. Levy is not being deposed until July 3, 2019 and due to additional scheduling issues, Defendant’s expert Dr. Washburn, in the *Swartz and Abbott* cases, is not being deposed until July 3, 2019 and Defendant’s expert, Dr. Tobin, in the *Swartz*

case, is not being deposed until July 19, 2019. The parties will likely be requesting the Court for an enlargement of time for the parties to file *Daubert* motions for those experts as well. The parties anticipate all other *Daubert* filings will be made on or before the Court's present July 9, 2019 deadline.

2. Pending Motions Before The Court

For the Court's convenience, the parties note that the following motions are fully briefed and ready for the Court's review:

- Plaintiffs' Motion for Leave to Remove the Limit on Requests for Admission in *Abbott v. E. I. du Pont de Nemours and Company*, Case No. 2:17-cv-998 [*Abbott* ECF No. 32]
- Plaintiff Buffy Riffle's Rule 56(d) Motion in response to Defendant's Motion for Summary Judgment on Class Membership [Main Docket ECF No. 5222]
- Plaintiff Gregory Stover's Rule 56(d) Motion in response to Defendants' Motion for Summary Judgment on Class Membership [Main Docket ECF No. 5223]

The following motion will be fully briefed and ready for the Court's review following Defendant's reply on or before July 3, 2019:

- Defendants' Motion to Permit the Rule 35 Medical Examination of Plaintiff Travis Abbott in *Abbott v. E. I. du Pont de Nemours and Company*, Case No. 2:17-cv-998 [*Abbott* ECF No. 40]

3. Next Status Conference

In light of the foregoing joint status report, which fully sets forth the agenda items that the parties were prepared to discuss with the Court at this time, the parties respectfully request that the Court cancel the in-person status conference set for July 1, 2019, or, alternatively, set it for a telephonic conference. The parties will jointly propose mutually convenient dates for the Court to consider for the next status conference.

Dated: June 26, 2019

/s/ Michael A. London

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