

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 NEWLY-FILED CASES.

PRETRIAL ORDER NO. 50

March 18, 2019 Conference

This matter came before the Court for an in-person status conference on March 18, 2019.

This Order memorializes the results of that conference as follows:

Initially the parties updated the Court on the implementation of Case Management Order No. 28, indicating that a few issues have arisen. Those issues are the number of admissions that can be utilized, whether Rule 35 depositions are appropriate, and what discovery may be requested from Chemours. After some discussion, the Court instructed the parties to meet and confer on these issues. If the parties are unable to resolve the issues, they may request permission to brief them.

Next, the Plaintiffs' Steering Committee ("PSC") addressed an affidavit that DuPont obtained from a member of the Science Panel, which the PSC argued was a violation of Pretrial Order No. 8, ECF No. 50. DuPont explained that the affidavit was sought to offer in a state court case that has since been dismissed. Therefore, there was no reason for this Court to address this issue.

The PSC next requested that the Court allow preparation of additional cases for trial. Currently, the Court has permitted the parties to choose the first four trials. Those trials do not

start until October 2019. The PSC indicated that their clients, in the over 40 pending cases, are anxious to have their cases scheduled. The Court normally runs an 18-month trial track for its cases. Although the parties have successfully settled over 3,500 cases in this MDL, there is currently no settlement negotiation ongoing, thus this Court agrees that the cases should be moved into trial tracks. The parties shall meet and confer and offer the Court a proposed case management order.


If the parties cannot agree on a case management order scheduling the currently-pending cases for trial, the parties shall brief the issue simultaneously within fourteen (14) days of the date of this order. In their briefs, the parties shall address 1) why the cases should not be scheduled for trial forthwith, and 2) why the cases should not be tried with multiple cases in each trial as was recently done in this court by Judge Michael R. Barrett in *Atwood v. UC Health*, Case No. 1:16-cv-593.

Last, the next in person status conference is scheduled for **May 14, 2019 at 2:30 p.m.** As set forth in PTO 1, the parties must confer prior to the status conference and send to 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.

3-26-2019
DATE

3/26/2019
DATE



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE



ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE