

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

IN RE: PROPULSID : **MDL NO. 1355**
PRODUCTS LIABILITY LITIGATION : **SECTION "L"**
: **JUDGE FALLON**
..... :

THIS DOCUMENT RELATES TO ALL CASES:

ORDER

A status conference was held in the chambers of Judge Eldon E. Fallon on September 11, 2003. In attendance were Jim Irwin and Monique Garsaud for the defendants and Leonard Davis, Virginie Ramirez, Gary P. Koederitz, and Lionel Sutton for the plaintiffs. At the conference the Court discussed arrangements for setting individual cases for trial.

IT IS ORDERED that the next group of cases designated to the Eastern District of Louisiana be submitted to the Court by Friday, September 19, 2003.

IT IS FURTHER ORDERED that the following individual claims in the following actions be set for trial on the dates indicated:

<u>Claimant</u>	<u>Civil Action No.</u>	<u>Dates of Trial</u>
Ford Jefferson Millican	00-2774	February 2, 2004
Mitchell Williams	00-2375	March 1, 2004

THE FOLLOWING DATES SHALL APPLY ONLY TO PLAINTIFF MILLICAN

IT IS ORDERED that the parties shall adhere to the following provisions in preparation for trial:

All pretrial motions, including motions *in limine*, regarding the admissibility of expert testimony, shall be filed and served in sufficient time to permit hearing thereon no later than January 7, 2004. Any motions filed in violation of this Order shall be deemed waived unless good cause is shown. All other motions *in limine* shall be allowed to be filed up to the time of trial or as otherwise ordered by the Court.

Counsel shall complete all disclosure of information as follows:

Written reports of experts, including treating physicians, who may be witnesses for Plaintiffs fully setting forth all matters about which they will testify and the basis therefor shall be obtained and delivered to counsel for Defendant as soon as possible, but in no event later than October 27, 2003. All expert reports must comply with Federal Rule of Civil Procedure 26(a)(2)(B).

Written reports of experts, including treating physicians, who may be witnesses for Defendants fully setting forth all matters about which they will testify and the basis therefor shall be obtained and delivered to counsel for Plaintiff as soon as possible, but in no event later than December 8, 2003. All expert reports must comply with Federal Rule of Civil Procedure 26(a)(2)(B).

Counsel for Plaintiffs shall submit a list of all witnesses who may or will be called to testify at trial and all exhibits which may or will be used at trial not later to Defendants than October 27, 2003.

Counsel for Defendants shall submit a list of all witnesses who may or will be called testify at trial and all exhibits which may or will be used at trial to Plaintiffs no later than December 8, 2003.

Initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) shall be completed by September 19, 2003 if they have not already been completed.

Depositions for trial use shall be taken and all discovery shall be completed not later than January 5, 2004. The following dates shall relate to deposition designations, including all videotaped designations and designations to be read into the Court record.

The parties shall designate and exchange the portion(s) of the depositions they intend to use at trial no later than January 2, 2004. The parties shall exchange counter-designations no later than

January 9, 2004. The parties shall exchange and file their objections to such designations no later than January 15, 2004.

The Court will rule on all issues relating to deposition designations no later than January 22, 2004. The parties will meet and confer to preview the final deposition segments and report to the Court no later than January 29, 2004.

Any party who intends to use videotaped deposition designations during trial must ensure that prior to trial such designations have been properly prepared, edited, and organized to comply with the Court's rulings as to any objections which the Court has granted. Counsel for all parties shall certify in writing that this has been done.

The Court will not permit any witness, expert or fact, to testify or any exhibits to be used unless there has been compliance with this Order as it pertains to the witness and/or exhibits, without an order to do so issued on motion for good cause shown.

A Final Pretrial Conference will be held on Tuesday, January 20, 2004 at 1:30 p.m. In advance of this conference, counsel shall present to the Court a Pretrial Order in conformity with the Final Pretrial Notice attached.

Trial will commence on Monday, February 2, 2004 before the District Judge with a jury at 8:30 a.m. Attorneys are instructed to report for trial not later than 30 minutes prior to this time. The starting time on the first day of a jury trial may be delayed or moved up because of jury pooling. Trial is estimated to last 5-7 day(s).

The parties to this matter are governed by the specific cut-off dates established in this Order. Deadlines, cut-off dates, or other limits fixed herein may only be extended by the Court upon timely motion filed in compliance with the Plan and Local Rules and upon a showing of good cause. Continuances will not normally be granted. If, however, a continuance is granted, deadlines and cut off dates will be automatically extended, unless otherwise ordered by the Court.

THE FOLLOWING DATES SHALL APPLY ONLY TO PLAINTIFF WILLIAMS

IT IS ORDERED that the parties shall adhere to the following provisions in preparation for trial:

All pretrial motions, including motions *in limine*, regarding the admissibility of expert testimony, shall be filed and served in sufficient time to permit hearing on January 21, 2004. Any motions filed in violation of this Order shall be deemed waived unless good cause is shown. All other motions *in limine* shall be allowed to be filed up to the time of trial or as otherwise ordered by the Court.

Counsel shall complete all disclosure of information as follows:

Written reports of experts, including treating physicians, who may be witnesses for Plaintiffs fully setting forth all matters about which they will testify and the basis therefor shall be obtained and delivered to counsel for Defendant as soon as possible, but in no event later than November 13, 2003. All expert reports must comply with Federal Rule of Civil Procedure 26(a)(2)(B).

Written reports of experts, including treating physicians, who may be witnesses for Defendants fully setting forth all matters about which they will testify and the basis therefor shall be obtained and delivered to counsel for Plaintiff as soon as possible, but in no event later than December 15, 2003. All expert reports must comply with Federal Rule of Civil Procedure 26(a)(2)(B).

Counsel for Plaintiffs shall submit a list of all witnesses who may or will be called to testify at trial and all exhibits which may or will be used at trial not later to Defendants than December 15, 2003.

Counsel for Defendants shall submit a list of all witnesses who may or will be called testify at trial and all exhibits which may or will be used at trial to Plaintiffs no later than December 15, 2003.

Initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) shall be completed by September 30, 2003, if they have not already been completed.

Depositions for trial use shall be taken and all discovery shall be completed not later than January 13, 2004. Any party who intends to use videotaped deposition designations during trial must ensure that prior to trial such designations have been properly prepared, edited, and organized to comply with the Court's rulings as to any objections which the Court has granted. Counsel for all parties shall certify in writing that this has been done.

The Court will not permit any witness, expert or fact, to testify or any exhibits to be used unless

there has been compliance with this Order as it pertains to the witness and/or exhibits, without an order to do so issued on motion for good cause shown.

A Final Pretrial Conference will be held on Friday, February 13, 2004 at 1:30 p.m. In advance of this conference, counsel shall present to the Court a Pretrial Order in conformity with the Final Pretrial Notice attached.

Trial will commence on Monday, March 1, 2004 before the District Judge with a jury at 8:30 a.m. Attorneys are instructed to report for trial not later than 30 minutes prior to this time. The starting time on the first day of a jury trial may be delayed or moved up because of jury pooling. Trial is estimated to last 5-7 day(s).

The parties to this matter are governed by the specific cut-off dates established in this Order. Deadlines, cut-off dates, or other limits fixed herein may only be extended by the Court upon timely motion filed in compliance with the Plan and Local Rules and upon a showing of good cause. Continuances will not normally be granted. If, however, a continuance is granted, deadlines and cut off dates will be automatically extended, unless otherwise ordered by the court.

New Orleans, Louisiana, this ____ day of September, 2003.

UNITED STATES DISTRICT COURT JUDGE