

In re: VIOXX	*
Products Liability Litigation	*
	*
This Document Relates to:	* MDL No. 1657
	*
STATE OF LOUISIANA, <i>ex rel.</i> JAMES D.	* SECTION L
CALDWELL, JR., Attorney General,	*
	* JUDGE ELDON E. FALLON
Plaintiff,	*
	* MAGISTRATE JUDGE
versus	* KNOWLES
	*
MERCK & CO., INC.,	*
	*
Defendant.	*
	*
Case No. 05-3700.	*
	*

PRETRIAL ORDER NO. 53
Amended Case Management Schedule

I. APPLICABILITY AND PURPOSE OF ORDER

This Order sets forth a comprehensive trial schedule for *State of Louisiana ex rel. Caldwell v. Merck & Co., Inc.* (No. 05-3700) to ensure that this case is prepared and tried in this Court in an expeditious manner. To the extent any conflict exists between this Order and any previous order regarding this action, this Order shall supersede such prior orders. Plaintiffs' Liaison Counsel shall promptly provide this Order to Plaintiffs in the Government Actions in this Court at the time of the Order, and to plaintiffs in all Government Actions transferred to this Court as and when they are so transferred.

II. AMENDED TRIAL SCHEDULE

A. Master Requests for Production of Documents and Interrogatories

Written discovery in this case shall continue to be governed by the provisions

outlined in Paragraphs IV.B.1.b-c. of Pretrial Order No. 39. All discovery in this case shall be completed no later than January 19, 2010.

B. Written Requests for Admission

The parties may serve Requests for Admission at any time, except that no Requests for Admission may be served after December 18, 2009.

C. Exchange of Fact Witness Lists

The parties shall exchange lists of fact witnesses no later than November 16, 2009.

D. Depositions

Depositions shall proceed pursuant to the provisions outlined in Paragraph V of Pretrial Order No. 39, except that depositions shall be completed no later than January 19, 2010.

E. Expert Discovery

Plaintiff shall make its expert disclosures no later than November 6, 2009, and Defendant shall make its expert disclosures no later than December 7, 2009. Plaintiff's rebuttal expert reports shall be served no later than December 21, 2009.

F. Status Conferences

Status conferences, if requested by either party in advance, will take place immediately following the regular monthly status conferences held in the Vioxx MDL proceeding.

G. Pretrial Schedule

1. Dispositive Motions, Daubert Motions, and Motions in Limine.

Dispositive motions (including motions for summary judgment) shall be filed and served no later than January 26, 2010. Responses to such motions shall be filed and

served no later than February 23, 2010. Replies in support of such motions shall be filed and served no later than March 2, 2010. The Court will hear argument on dispositive motions on March 10, 2010 at 9:00 a.m.

Daubert motions shall be filed and served no later than January 29, 2010. Responses to such motions shall be filed and served no later than February 26, 2010. Replies in support of such motions shall be filed and served no later than March 5, 2010. The Court will hear argument on *Daubert* motions on March 12, 2010, at 9:00 a.m.

Motions *in limine* shall be filed and served no later than Friday, February 12, 2010. Responses to such motions shall be filed and served no later than Friday, March 12, 2010. Replies in support of such motions shall be filed and served no later than Friday, March 19, 2010. The Court will hear argument on motions *in limine* on Monday, March 29, 2010, at 3:30 p.m.

2. Deposition Designation and Exhibit Disclosures.

The parties shall serve their deposition designations for witnesses, along with exhibit lists and copies of exhibits they plan to use at trial, on March 1, 2010. The parties shall serve deposition counter designations for witnesses on March 11, 2010. Objections to exhibits and deposition designations shall be filed no later than March 22, 2010. Defendant will tender pre-trial inserts to Plaintiff's counsel no later than March 22, 2010.

3. Proposed Jury Materials.

The parties shall submit proposed jury materials (including instructions and questionnaires) on March 26, 2010.

4. Pretrial Order and Conferences.

The Parties shall attend a settlement conference on or before March 12, 2010, unless a different date or time is set by the Court. Plaintiff shall submit a proposed final

pretrial order on March 19, 2010. The parties shall appear before the Court for a pretrial conference on Monday, March 29, 2010, at 3:30 p.m.

5. **Trial Date.**

Trial shall begin on April 12, 2010 at 8:30 a.m. before a jury, and shall last for two weeks. Counsel should report to chambers at 8:00 a.m.

III. FEDERAL RULES OF CIVIL PROCEDURE APPLICABLE

Unless specifically modified herein, nothing in this Order shall be construed to abrogate the Federal Rules of Civil Procedure.

New Orleans, Louisiana, this 30th day of September, 2009.


United States District Judge