

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

In re: VIOXX

PRODUCTS LIABILITY LITIGATION

**This document relates to
All Class Action Cases**

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MDL Docket No. 1657

SECTION L

JUDGE FALLON

**MAGISTRATE JUDGE
KNOWLES**

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SECOND AMENDMENT TO PRETRIAL ORDER NO. 16

I. Class Certification Briefing – Personal Injury Claims

A. Plaintiffs’ Class Certification Motion

Plaintiffs shall file their motion for class certification as to their proposed national class on or before December 7, 2005. Briefing on plaintiffs’ alternative single-state class proposals will be deferred until resolution of the motion for nationwide certification. At the same time as plaintiffs file their motion, plaintiffs shall identify all experts and witnesses upon whom plaintiffs rely in support of said motion (including the information contemplated by Fed. R. Civ. P. 26(a)(2)(B) as to experts) and file any expert reports or affidavits upon which they rely in support of the class certification motion. Plaintiffs shall be precluded, without leave of Court, from relying on any experts or expert opinions in support of class certification that are not identified at this time.

Following the filing of plaintiffs' motion, priority shall be given to the taking of the depositions of any experts and witnesses upon whom plaintiffs rely in support of their motion.

B. Defendants' Opposition

Defendants shall file a brief setting forth arguments in opposition to plaintiffs' class certification motion and the evidentiary basis thereof on or before January 8, 2006. At the same time, defendants shall identify all experts and witnesses upon whom they will rely in opposing plaintiffs' class certification motion (including the information contemplated in Fed. R. Civ. P. 26(a)(2)(B) as to experts), and file any expert reports or affidavits upon which they rely in opposing plaintiffs' class certification motion.

Defendants shall be precluded, without leave of Court, from relying on any experts or expert opinions in opposition to class certification that are not identified at this time.

Following the filing of defendants' brief, priority should be given to taking the depositions of any experts or witnesses upon whom defendants rely in support of their opposition to class certification.

C. Plaintiffs' Reply

Plaintiffs shall file their reply brief on or before January 23, 2006. The reply brief shall be confined to responding to arguments and expert opinions presented in defendants' opposition brief.

II. DEADLINE FOR AMENDMENTS TO CLASS ACTION MASTER COMPLAINTS

Any additional motions to amend any of the existing three class action master complaints shall be filed with the Court on or before January 23, 2006. Plaintiffs' Pending Motions to Amend the Personal Injury and Wrongful Death and Medical Monitoring Complaints are granted and the attached Amended Complaints to those motions are deemed filed.

III. OTHER DEADLINES

All other deadlines in PTO 16 shall continue to govern the class actions.

New Orleans, Louisiana, this ____ day of _____, 2005.

/s/ Eldon E. Fallon

ELDON E. FALLON
UNITED STATES DISTRICT JUDGE