

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO ALL CASES	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**PRETRIAL ORDER # 86
(THIRD AMENDED DOCKET CONTROL ORDER)**

At the oral request of the parties, it is **ORDERED** that PTO # 73 is amended as follows:

1. *Case-Specific Discovery.* Discovery on the *Lewis* bellwether case shall be completed by **December 31, 2013**.
2. *Motion Practice.*
 - a. Plaintiffs' motion in limine related to 510(k) clearance and other FDA issues is due **December 12, 2013**; a response is due **December 23, 2013**; and any reply is due **January 2, 2014**. The combined page limit for plaintiffs' motion and reply is 10 pages. The page limit for defendants' response is 10 pages.
 - b. Daubert Motions and Non-Daubert based Dispositive Motions shall be filed by **December 12, 2013**. Response briefs shall be filed by **December 27, 2013**.
 - c. As to the following experts, Weber, Thames and Blume, any Daubert motions shall be filed by **December 30, 2013**. Response briefs shall be filed by **January 6, 2014**.

d. As to Feagins and any other expert deposed after January 1, 2014, Daubert motions shall be filed **seven days after the expert deposition**. Response briefs shall be filed within **five days of the response if not sooner**.

e. Daubert based Dispositive motions and motions in limine shall be filed by **January 22, 2014**. Response briefs shall be filed by **January 29, 2014**.

Motions in Limine are limited to 3 pages each, responses are limited to 2 pages each.

f. Dates for summary judgment and *Daubert* hearings, if any, will be set at an upcoming status conference.

g. Local Rule of Civil Procedure 7.1(a)(2) applies regarding the page limits on memoranda in support of dispositive motions as well as responses and replies.

The court will not be inclined to grant motions to exceed the page limit. The court requests that the parties abide by Local Civil Rule 7.1(a)(5) regarding courtesy copies.

3. *Pretrial and Final Settlement Conferences*. The Court shall conduct a pretrial conference on **January 16, 2014, at 10:00 a.m.** and will notify the parties as to the date of a final settlement conference.

4. *Deposition Designations*. Deposition designations shall be filed by **January 14, 2014**. Any objections to an opposing party's designations, and any counterdesignations shall be filed by **January 28, 2014**. Any objections to the counterdesignations, and any counter-designations to an opposing party's counterdesignations, shall be filed by **February 3, 2014**.

5. *Exhibit and Witness Lists*. The parties will exchange exhibit and witness lists by

January 14, 2014.

6. The parties shall file a proposed integrated pretrial order pursuant to Fed. R. Civ. P. 16 three days prior to the pretrial conference. The proposed integrated pretrial order, signed by all counsel and unrepresented parties, shall set forth the matters listed in Local Civil Rule 16.7(b).

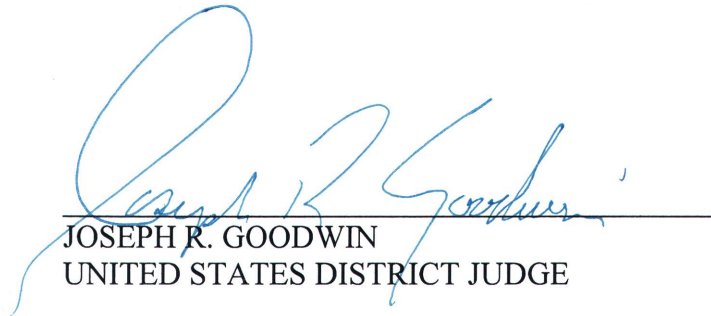
7. The parties shall file proposed jury instructions in charge form on substantive theories of recovery or defense, on damages and on evidentiary matters peculiar to the case, and special interrogatories, if any be appropriate to the case, along with a proposed verdict form on **January 31, 2014**. The court requests that the parties email the proposed jury instructions to the court's law clerk in Word format.

8. *Trial.* The *Lewis* trial as identified in PTO # 59 shall commence on **February 10, 2014 at 8:30 a.m.**

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 and **in the following case: 2:12-cv-4301** and it shall apply to each member case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:13-cv-31789. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review

and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsc.uscourts.gov.

ENTER: December 11, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE