

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: DIGITEK
PRODUCTS LIABILITY LITIGATION

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER #68
(Unopposed Motion for Extension of Time to Respond)

Pending is an unopposed motion for an extension of time to respond to defendants' motion for an entry of a scheduling order [Docket 391]. The defendants have agreed to a one-week extension for plaintiffs' response. The court finds good cause to allow the plaintiffs additional time to respond in light of the impending mandatory docket hearing set by PTO #67.

Plaintiffs who have opted out of the Master Settlement Agreement and those who have cases remaining in the MDL require additional time to convene and coordinate the remaining cases. This includes time to organize and proffer their own scheduling order for the court's consideration. Accordingly, the court **GRANTS** the plaintiffs' motion and **ORDERS** the remaining plaintiffs to file a coordinated response to the defendants' motion **no later than November 5, 2010**. Any reply from the Defendants will be due **no later than November 12, 2010**. If deemed necessary by the court, argument on the matter will be conducted at the hearing on November 17, 2010.

The court **DIRECTS** the Clerk to file a copy of this order in 2:08-md-1968 which shall apply to each member Digitek-related case previously transferred to, removed to, or filed in the is district,

which includes counsel in all member cases up to and including civil action number 2-10 -cv-01205. 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.wvsd.uscourts.gov.

ENTER: October 22, 2010



Joseph R. Goodwin
Joseph R. Goodwin, Chief Judge