

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

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LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

MDL No. 2472

Master File No. 1:13-md-2472-
S-PAS

INTERIM CASE MANAGEMENT ORDER NUMBER 10

The parties in the above-captioned Multidistrict Litigation filed a Joint Motion to Modify Interim Case Management Order Number 8 ("Motion to Modify") on October 17, 2017. (See ECF No. 334.) The Court thereafter held a Status Conference on October 19, 2017, at which the Court noted that it would allow an early motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure on the issue of market power, while also keeping discovery and motion deadlines fair to all parties. In response, the parties filed letters with the Court detailing their proposed schedules for the case going forward. (See ECF Nos. 344-48.) After considering the parties' arguments contained in their letters and filings, as well as those made at the October 19, 2017 Status Conference, the Court GRANTS the Motion to Modify insofar as it reflected the joint position of all parties and enters the following deadlines:

Event	Date
Parties certify that production of documents responsive to initial discovery requests is substantially complete (except as to Defendants' supplemental document production based on additional time periods and Plaintiffs' productions pursuant to recent agreement between the parties regarding other drug discovery)	October 5, 2017
Status conference with Court	October 19, 2017
Deadline to exchange privilege logs for documents produced by October 5, 2017 ¹	October 26, 2017
Deadline to serve interrogatories	January 17, 2018
Parties certify supplemental document production is substantially complete	February 27, 2018
Deadline to amend pleadings or to add parties, claims, or defenses, except upon a showing of good cause	March 26, 2018
Deadline to serve requests for production of documents, interrogatories, and requests for admissions on the amended pleadings	April 2, 2018
Deadline for filing discovery-related motions (e.g., motions to compel, motions regarding privilege logs) ²	April 20, 2018
Deadline for Plaintiffs to file motions regarding privilege-related issues concerning Warner and Watson Defendants' privilege log and production	May 18, 2018
Fact discovery closes ³	June 19, 2018
Deadline for Plaintiffs to move for class certification and serve supporting expert reports ⁴	June 29, 2018

¹ Privilege logs for any production made after October 5, 2017 shall be produced not more than 30 days after the production. Privilege logs for any production after February 20, 2018 shall be produced not more than 21 days after the production.

² Discovery motions may be filed before this date, but may only be filed after this date to address issues arising after the deadline or for good cause shown.

³ All discovery requests must be served to be answerable by this date, except for requests for admissions, which may be served up to 45 days before Rule 56 and *Daubert* motions are filed.

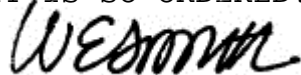
⁴ For all expert reports, the parties will provide three available dates for the deposition of the proposed expert at the time of serving the report. The parties will work to make experts available during the time period preferred by the opposing party (*e.g.*, sufficiently in advance of an opposition brief or responsive expert report). The parties will cooperatively try to schedule class certification-related deposition (and depositions related to Defendants' Rule 56 motion on monopoly power) well before the end of discovery.

Event	Date
Deadline for Defendants to file Rule 56 motion concerning monopoly power in the relevant product market and serve supporting expert reports	June 29, 2018
Deadline for Defendants to oppose class certification, serve supporting expert reports, and file any <i>Daubert</i> motions relating to Plaintiffs' class certification experts	August 22, 2018
Deadline for Plaintiffs to oppose Defendants' Rule 56 motion concerning monopoly power in the relevant product market, serve supporting expert reports, and file any <i>Daubert</i> motions relating to Defendants' monopoly power experts	September 28, 2018
Deadline for Plaintiffs to file replies in support of class certification, serve rebuttal class certification expert reports, and file any <i>Daubert</i> motions relating to Defendants' class certification experts	September 28, 2018
Parties serve expert reports on merits issues on which they have burden of proof	October 2, 2018
Deadline to depose class certification (and, if leave is granted, monopoly power) experts. Any expert submitting a second report (a reply) may be subject to a second deposition, not to exceed 4 hours	October 9, 2018
Deadline for Defendants to file reply in support of their Rule 56 motion concerning monopoly power in the relevant product market, serve rebuttal expert reports, and file any <i>Daubert</i> motions relating to Plaintiffs' monopoly power experts	October 26, 2018
Hearing on class certification	October 2018
Parties serve responsive expert reports on merits issues	November 20, 2018
Hearing on Defendants' Rule 56 motion concerning monopoly power in the relevant product market	December 2018
Parties serve rebuttal merits expert reports	December 21, 2018
Deadline to confer with the Court regarding the filing of Rule 56 motions	January 4, 2019
Deadline to serve interrogatories	January 17, 2018
Deadline to complete expert discovery Each expert may be deposed once; Parties will work to make experts available during the time-period preferred by the opposing party	January 18, 2019

Event	Date
Deadline to file Rule 56 motions, as permitted by the Court (including Statements of Undisputed Fact and/or separate Statements of Undisputed Facts as required by LR Cv 56), and <i>Daubert</i> motions	January 25, 2019
Deadline to file Rule 56 oppositions, as permitted by the Court, and <i>Daubert</i> oppositions (including responses to Statements of Undisputed Facts and/or separate Statements of Undisputed Facts as required by LR Cv 56)	March 12, 2019
Deadline to file Rule 56 replies, as permitted by the Court, and <i>Daubert</i> replies (including responses to Statements of Undisputed Facts and/or separate Statements of Undisputed Facts as required by LR Cv 56)	April 12, 2019
Hearing on Rule 56 and <i>Daubert</i> motions	April 2019
Parties exchange Rule 26(a)(3) disclosures and preliminary trial memoranda	May 23, 2019
Parties exchange objections and counter-designations to Rule 26(a)(3) disclosures	June 6, 2019
Parties exchange objections to counter-designations	June 13, 2019
Parties file motions in limine	June 13, 2019
Attorney conference on any issues arising from Rule 26(a)(3) disclosures	June 2019
Parties file oppositions to motions in limine	July 2, 2019
Parties file proposed voir dire questions, full and complete jury instructions, jury verdict form (with special interrogatories, if any are being requested), a list of all exhibits intended to be offered at the trial with statements of the purpose for which the exhibit is offered (premarked by the plaintiff in numerical order and premarked by the defendant in alphabetical order), final bound exhibits (original and two copies), revised 26(a)(3)/Final Pretrial Order materials, a list of all witnesses expected to testify with a brief summary of each witness's testimony and a statement as to whether that witness will testify as an expert, and Final Trial Memoranda.	July 12, 2019
In-person attorneys' conference in Providence, RI to address whether any issues may be narrowed before trial	July 15, 2019
Draft of Final Pretrial Order exchanged	July 19, 2019

Event	Date
<p>Submission of Pretrial Memorandum, which shall contain the following information:</p> <ol style="list-style-type: none"> 1. (a) Plaintiff will set forth what is expected to be proven in support of the claim; (b) Defendant will set forth what is expected to be proven in defense; 2. A memorandum of supporting law with citations of authorities. This is to include all the law applicable to the case with emphasis on special legal issues, including any and all matters that may be the subject of a motion in limine. All pertinent citations will be fully briefed. 3. A statement as to probable length of trial. <p>Any additional matter which counsel feel will aid the Court in the disposition and/or trial of the action.</p>	<p>July 23, 2019</p>
<p>Final pretrial conference and hearing on motions in limine⁵</p>	<p>July 30, 2019</p>
<p>Trial begins</p>	<p>August 5, 2019</p>

IT IS SO ORDERED.



William E. Smith
Chief Judge

Date: April 19, 2018

⁵ At least one representative of each party with full settlement authority must attend the final pretrial conference.