

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

IN RE: LOESTRIN 24 FE ANTITRUST
LITIGATION

MDL No. 2472

THIS DOCUMENT RELATES TO:
All Actions

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

JOINT STIPULATION EXTENDING CASE SCHEDULE DEADLINES

The direct purchaser class plaintiffs, the end-payor class plaintiffs, and the retailer plaintiffs (collectively, the “plaintiffs”) and the Warner Chilcott, Watson, and Lupin defendants (collectively, the “defendants”) jointly submit this stipulation and proposed order regarding proposed changes in the case schedule set forth in Interim Case Management Order No. 13 (ECF No. 480).

The parties have scheduled a mediation involving all parties for the fourth quarter of 2018 with a professional mediator, a former federal judge. In order to allow the parties to focus on the mediation, and avoid the potentially unnecessary substantial expenditure of party and Court resources relating to the significant expert discovery that would otherwise proceed during the fourth quarter of 2018, the parties propose a 90-day extension of most case deadlines.

The parties propose, however, that both class certification and the briefing of the parties’ summary judgment motions on the issue of monopoly power proceed while the parties are preparing to mediate, as this may facilitate the effectiveness of the mediation. Accordingly, as to the briefing of those motions the parties propose shorter extensions of approximately 21 days.

The parties set forth below the proposed adjustments to the case schedule:

Event	CMO 14 Date	CMO 13 Date
Deadline for Plaintiffs to move for class certification and serve supporting expert reports. ¹		July 30, 2018
Deadline for Defendants to file Rule 56 motion concerning monopoly power in the relevant product market and serve supporting expert reports.		July 30, 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.	October 19, 2018	September 28, 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. Deadline for Plaintiffs to file any Rule 56 cross-motion concerning monopoly power in the relevant product market, which must be submitted in one brief with their opposition to Defendants' Rule 56 motion, and any supporting expert reports.	October 19, 2018	September 28, 2018
Status conference regarding evidentiary hearing on class certification.	10 AM October 15, 2018	Early October 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.	November 26, 2018	November 2, 2018
Deadline to depose class certification experts. Any expert submitting a second report (a reply) may be subject to a second deposition, not to exceed 4 hours.	December 7, 2018	November 9, 2018
Deadline for Defendants to file replies in support of their Rule 56 motions concerning monopoly power in the relevant product market, and to oppose any Rule 56 cross-motion filed by Plaintiffs 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.	December 7, 2018	November 9, 2018

¹ 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 depositions (and depositions related to Defendants' Rule 56 motion on monopoly power) well before the end of discovery

Deadline for Plaintiffs to file a reply in support of any Rule 56 cross-motion concerning monopoly power in the relevant product market, and serve rebuttal expert reports.	January 4, 2019	November 30, 2018
Parties serve expert reports on merits issues on which they have the burden of proof.	January 4, 2019	October 2, 2018
Evidentiary hearing on class certification.	December 2018/ January 2019	November/ December 2018
Deadline to depose monopoly power experts. Any expert submitting a second report (a reply) may be subject to a second deposition, not to exceed 4 hours.	January 10, 2019	December 7, 2018
Parties serve responsive expert reports on merits issues.	February 14, 2018	November 20, 2018
Hearing on Defendants' Rule 56 motion concerning monopoly power in the relevant product market.	February/March 2019	January/February 2019
Parties serve rebuttal merits expert reports.	March 12, 2019	December 21, 2018
Deadline to confer with the Court regarding the filing of Rule 56 motions.	March 19, 2019	January 4, 2019
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.	April 5, 2019	January 18, 2019
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 Daubert motions.	April 12, 2019	January 25, 2019 ²
Deadline to file Rule 56 oppositions, as permitted by the Court, and Daubert oppositions (including responses to Statements of Undisputed Facts and/or separate Statements of Undisputed Facts as required by LR Cv 56).	May 15, 2019	March 12, 2019

² The dates for Rule 56 filings were inadvertently changed in the parties' proposed (and the entered version of) CMO 13 from what the parties intended, which was to leave those dates as they existed in CMO 12. Accordingly, those three dates (January 25, 2019, March 12, 2019, and April 12, 2019) are indicated here as they existed in CMO 12.

Deadline to file Rule 56 replies, as permitted by the Court, and Daubert replies (including responses to Statements of Undisputed Facts and/or separate Statements of Undisputed Facts as required by LR Cv 56).	June 6, 2019	April 12, 2019
Hearing on Rule 56 and Daubert motions.	June 2019	April 2019
Parties exchange Rule 26(a)(3) disclosures and preliminary trial memoranda.	August 7, 2019	May 23, 2019
Parties exchange objections and counter- designations to Rule 26(a)(3) disclosures.	August 22, 2019	June 6, 2019
Parties exchange objections to counter- designations.	August 29, 2019	June 13, 2019
Parties file motions in limine.	August 29, 2019	June 13, 2019
Attorney conference on any issues arising from Rule 26(a)(3) disclosures.	September 10, 2019	June 2019
Parties file oppositions to motions in limine.	September 16, 2019	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.	September 26, 2019	July 12, 2019
In-person attorneys' conference in Providence, RI to address whether any issues may be narrowed before trial.	September 30, 2019	July 15, 2019
Draft of Final Pretrial Order exchanged.	October 4, 2019	July 19, 2019

<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. 4. Any additional matter which counsel feel will aid the Court in the disposition and/or trial of the action. 	<p>October 8, 2019</p>	<p>July 23, 2019</p>
<p>Final pretrial conference and hearing on motions in limine.³</p>	<p>October 16, 2019</p>	<p>July 30, 2019</p>
<p>Trial begins.</p>	<p>October 21, 2019</p>	<p>August 5, 2019</p>

³ At least one representative of each party with full settlement authority must attend the final pretrial conference.

The parties respectfully request that the Court grant this motion to enter a new interim case management order incorporating the new schedule outlined above. A proposed order effectuating these proposed adjustments to the schedule is submitted herewith as Exhibit A.

Dated: September 27, 2018

/s/ Peter J. Carney

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CERTIFICATE OF SERVICE

I, Nicole J. Benjamin, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's CM/ECF system. Those attorneys who are registered CM/ECF users may access these filings, and notice of these filings will be sent to those parties by operation of the CM/ECF system.

/s/ Nicole J. Benjamin