

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: AVANDIA MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION

MDL No. 1871
07-md-01871

THIS DOCUMENT APPLIES TO:
ALL ACTIONS


PRETRIAL ORDER 114

AND NOW, this 25th day of August, 2010, upon consideration of the parties' request that deadlines for the remaining *Daubert* briefing be coordinated with the modified schedule set forth in Pretrial Order 110 (Doc. No. 760) (see attached letter to the Court from Defendant's counsel), it is hereby **ORDERED** that the deadline by which Defendant must file *Daubert* responses is extended to **August 30, 2010**, and Plaintiffs' reply deadline is extended to **September 10, 2010**.

It is further **ORDERED** that, upon consideration of the parties' request that the deadlines for *Daubert* briefing regarding expert witnesses Dr. Parisian and Dr. Burkhart be extended to accommodate their rescheduled depositions, the schedule currently reflected in Pretrial Order 107 (Doc. No. 722) is modified as follows: *Daubert* motions regarding the testimony of Drs. Parisian and Burkhart are due on **September 6, 2010**, oppositions to those motions are due on **September 15, 2010**, and reply briefing is due on **September 20, 2010**.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.



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August 24, 2010

Via Hand Delivery

The Honorable Cynthia M. Rufe
United States District Court
Eastern District of Pennsylvania
Room 12614
United States Courthouse
601 Market Street
Philadelphia, PA 19106-1797

**Re: In Re: Avandia Marketing, Sales Practices
and Products Liability Litigation, MDL No. 1871**

Dear Judge Rufe:

We had a call yesterday afternoon with Mr. Zonies and Mr. Cartmell regarding the *Daubert* deadlines in PTO-110. Our joint understanding of the deadlines agreed to on the conference call with Your Honor is that the deadlines for *Daubert* responses for both plaintiffs and defendants were moved to August 30 and *Daubert* reply briefing being moved bilaterally to September 10. Thus, with Your Honor's permission, both parties ask that PTO-110 reflect a revised deadline of August 30 for GSK's *Daubert* responses and a revised deadline of September 10 for the PSC's reply briefing.

On a somewhat related note, the parties have had difficulty (through no fault of the witnesses or lawyers) in scheduling the depositions of the PSC's regulatory expert, Dr. Parisian, and GSK's regulatory expert, Dr. Burkhardt. Dr. Burkhardt's deposition is now scheduled for August 27 and Dr. Parisian's deposition is scheduled for September 2. Given these scheduling difficulties, the parties jointly request that the deadlines for *Daubert* briefing for these specific witnesses, currently reflected in PTO-107, be modified to allow the parties to complete the expert depositions prior to filing *Daubert* motions, as follows:

Daubert motions for Dr Burkhardt and Dr. Parisian due on September 6 (rather than August 27), *Daubert* oppositions be due on September 15 (rather than September 10) and *Daubert* reply briefing be due on September 20 (rather than September 17).

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Pepper Hamilton LLP
Attorneys at Law

The Honorable Cynthia M. Rufe
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The parties are available should Your Honor have any questions or wish to discuss further.

Respectfully submitted,



Sean P. Fahey

SPF/cis

cc: Jerome J. Shestack, Esquire
Bruce P. Merenstein, Esquire
Nina M. Gussack, Esquire
Joseph J. Zonies, Esquire
Thomas P. Cartmell, Esquire
(all via email)