

**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:

WILLIAM NEALY,
Plaintiff,

v.

GLAXOSMITHKLINE, PLC, et al.,
Defendants.

CASE NO. 09-2007

GARY SNYDER,
Plaintiff,

v.

GLAXOSMITHKLINE, PLC, et al.,
Defendants.

CASE NO. 09-2012

PRETRIAL ORDER NO. 125

AND NOW, this 6th day of December, 2010, the Court hereby **VACATES**

Pretrial Order No. 124 as it pertains to Plaintiff *William Nealy* (Case No. 09-2007), but not as it pertains to Plaintiff *Deborah Burford* (Case No. 07-5360), and **ENTERS** the following

SCHEDULING ORDER to govern the above-referenced *Gary Snyder* case (Case No. 09-2012):

1. Plaintiff shall produce his expert report(s) by **December 30, 2010**. Defendant shall produce its expert report(s) by **January 14, 2011**. All expert depositions must be completed by **January 28, 2011**.

2. Case-specific Daubert Motions may be filed on or before **February 8, 2011**, and any opposition to the motion is due fourteen days after the motion is filed. The Court will hold an oral argument on **March 2, 2011 at 9:30 a.m.** regarding any case-specific Daubert motions.

3. Any motion for summary judgment or partial summary judgment must be filed on or before **February 14, 2011**. Opposition to any motion(s) will be due twenty-one days after the filing date for the motion, and any reply shall be filed within fourteen days after the response is served.

3. Final pretrial memorandum shall be filed pursuant to Local Rule of Civil Procedure 16.1(c) and shall contain all items listed in that rule, including: a jurisdictional statement; a statement of the facts of the case; a damages computation; a list of intended witnesses designated separately for liability and damages; how witnesses will be presented (i.e. live or by deposition designation), a schedule of exhibits to be offered at trial, and an estimate of required trial time. The memorandum shall also include deposition designations, by line and page, for the testimony of any witness who will not appear live at trial. Each parties' deposition counter-designations shall be provided to opposing counsel two weeks after receipt of the deposition designations. Plaintiff shall file a pretrial memorandum by **March 7, 2011**. Defendant shall file a pretrial memorandum by **March 14, 2011**.

In addition to the above, if applicable, each party is required to submit the following in conjunction with the pretrial memoranda: proposed voir dire questions, proposed jury instructions (one point per page), proposed jury interrogatories, a trial memorandum on the legal issues involved in the case, and any motions *in limine*. The failure to submit proposed jury instructions may result in the forfeiture of your right to object to omissions in jury charge. If possible, counsel should provide the Court with copies of the proposed jury instructions and jury

interrogatories on 3.5" IBM compatible computer diskettes, in a format readable by WordPerfect.

4. A final pretrial conference will be held on the record on **March 22, 2011 at 9:30 a.m.**

At least one of the attorneys for each party shall have the authority to enter into stipulations and to make admissions regarding all matters.

In preparation for the final pretrial conference, counsel are expected to meet and confer with each other on the following matters in an effort to reach agreement or, if agreement is not possible, to narrow the issues in dispute before trial. The parties should jointly submit a Proposed Joint Final Pretrial Order addressing the following: (a) agreed upon and disputed facts; (b) objections to any proposed witnesses; (c) objections to any proposed exhibits (including objections to genuineness and authenticity); (d) objections to any depositions to be used at trial; (e) disputed and undisputed legal issues; (f) amendments to pleadings; (g) stipulated to and disputed points for charge; (h) verdict sheet and special interrogatories; and (i) number of days required for trial. For items that remain in dispute, each party can provide a brief statement of its position along with the Proposed Joint Final Pretrial Order.

5. Trial is scheduled for two weeks, beginning on **March 28, 2011 at 9:30 a.m.**, in Courtroom 12 A.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.