

January 29, 2015), and all subsequent revisions of Case Management Order 18,¹ as follows:

1. The case of Rana Terry v. McNeil-PPC, Inc., et al., Civil Action No. 2:12-cv-07263 (“the Terry case”), is selected as the first bellwether case to proceed to trial from the Tylenol liver injury cases pending in MDL No. 2436.
2. The trial of the Terry case shall commence on **Monday, October 26, 2015**, with the reporting of the venire for completion of jury questionnaires. Pre-trial proceedings in the Terry case shall be completed in accordance with the below schedule:

EXPERT DEADLINES

Plaintiffs’ Identification of Expert Witnesses and Disclosure of Expert Reports	Monday, February 16, 2015
Defendants’ Identification of Expert Witnesses and Disclosure of Expert Reports	Friday, March 27, 2015
Expert Deposition Deadline	Friday, May 29, 2015

No deposition of a Plaintiffs’ Expert shall occur prior to Defendants’ Experts’ Disclosures with regard to the corresponding Expert of Defendants. The scope of expert depositions shall be consistent with the guidance that the Court provided to the parties as

¹ See 13-md-2436, Doc. No. 187 (CMO 18(a)), Doc. No. 197 (CMO 18(b)); 12-cv-7263, Doc. No. 31 (CMO 18(a)), Doc. No. 32 (CMO 18(b)).

expressed during the May 20, 2014 status conference in this case. (*See, May 20, 2014 status conference transcript as pgs. 26-36*). Accordingly, the parties shall in good faith not unnecessarily seek to undertake duplicative questioning of an expert whose deposition was taken in the Lyles proceeding. Expert depositions will proceed to the extent feasible in accommodation of the schedules of the experts, with the deposition of the Plaintiffs' Expert on a particular subject or issue to occur first, followed by the deposition of the corresponding Defendants' Expert. This does not change the presumptive limitation of 7 hours of deposition time of an expert.

MOTIONS PRACTICE

Dispositive Motions Due	Friday, May 22, 2015
Dispositive Oppositions Due ²	Friday, June 5, 2015
Motions <i>in Limine</i> Filed	Wednesday, May 27, 2015
Motions <i>in Limine</i> Oppositions Due ³	Wednesday, June 10, 2015
Oral Argument on Dispositive Motions & Motions <i>in Limine</i>	Wednesday, June 24, 2015 (at the monthly status conference)

² The parties may move for leave of court to file Reply briefing. Motions for leave to file Reply briefing shall be filed on or before June 12, 2015.

³ The parties may move for leave of court to file Reply briefing. Motions for leave to file Reply briefing shall be filed on or before June 17, 2015.

<u>Daubert</u> Motions Due	Friday, June 12, 2015
<u>Daubert</u> Oppositions Due ⁴	Friday, June 26, 2015
Oral Argument on <u>Daubert</u> Motions	Wednesday, July 22, 2015 (at the monthly status conference)
Parties' Motions Regarding Use of Confidential/Highly Confidential Information at Trial Due ⁵	Friday, July 31, 2015
Oppositions to Motions on Confidential/Highly Confidential Information Usage at Trial Due	Friday, August 14, 2015
Oral Argument on Confidential Information Motions	Wednesday, August 26, 2015 (at monthly status conference)

JURY INSTRUCTIONS

Proposed Jury Instructions	Friday, September 25, 2015
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TRIAL WITNESS LISTS

Plaintiffs' & Defendants' Identification of Trial Witnesses (Live & Via Deposition)	Friday, August 7, 2015
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⁴ The parties may move for leave of court to file Reply briefing. Motions for leave to file Reply briefing shall be filed on or before July 6, 2015.

⁵ The parties are expected to meet and confer before filing motions related to the use of confidential/highly confidential information at trial. If the parties cannot agree on how the information should be treated at trial, they should file motions on the areas that remain in dispute.

Identification of Rebuttal Witnesses	Friday, August 14, 2015
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Plaintiffs' & Defendants' Preliminary Exhibit Lists	Friday, September 25, 2015
Meet and Confer Among Counsel Concerning Case-Specific Exhibits	Week of October 5, 2015

JURY QUESTIONNAIRES

Exchange of Parties' Proposed Jury Questionnaires	Monday, October 5, 2015
Submission of Proposed, Agreed Upon, Jury Questionnaire to the Court	Monday, October 12, 2015

3. DEPOSITION DESIGNATIONS

The Court appreciates and understands that certain witness' testimony may be presented to the Jury in this case by previously preserved videotaped testimony that has been taken in these MDL proceedings. In order to help streamline the process of determining which previously preserved videotaped testimony may be admissible at trial, the Court will begin to review the parties' designations of which deposition testimony is relevant to this case.⁶

⁶ A subsequent Order will be entered to address Deposition Designation Protocol and deadlines for parties' exchange of designations/counter designations.

Parties' Deposition Designations/Counter Designations on non-Expert Witnesses Due to the court	Monday, August 7, 2015
Parties' Deposition Designations/Counter Designations on Expert Witnesses Due to the court	Monday, August 14, 2015

BY THE COURT:

/s/Lawrence F. Stengel
LAWRENCE F. STENGEL, J.