

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: TYLENOL (ACETAMINOPHEN))	Case 2:13-md-02436-LS
MARKETING, SALES PRACTICES AND)	
PRODUCTS LIABILITY LITIGATION)	MDL No. 2436
)	
)	JUDGE LAWRENCE F. STENGEL

This Document Relates to:

Rana Terry, as Personal Representative and)	Civil Action No. 2:12-cv-07263
Administrator of the Estate of Denice Hayes,)	
Deceased,)	
)	
<i>Plaintiff,</i>)	
)	
vs.)	
)	
McNEIL-PPC, Inc., McNeil Consumer)	
Healthcare, and Johnson & Johnson, Inc.,)	
)	
<i>Defendants.</i>)	

CASE MANAGEMENT ORDER NO. 18 (d)
(Deposition Designation Protocol and Schedule)

AND NOW THIS 18th day of May, 2015, the parties having met and conferred and agreed to the foregoing Protocol and Schedule for Deposition Designations, **IT IS ORDERED**, that CMO-18(c), para. 3, is amended as follows:

1. The parties shall submit to the Court a “*Deposition Package*” on the dates set forth in CMO-18(c), para 3.
2. A “*Deposition Package*” shall consist of:
 - a. A notebook with two sections:
 - 1) A single color-coded transcript (hereinafter, “Transcript”) containing the Plaintiffs’ deposition designations **(red font)**,

Defendants counter-designations and objections (**green font**), Plaintiffs' rebuttal designations (**purple font**), Plaintiffs' objections to Defendants' counter-designations (**red font**), and Defendants' objections to any rebuttal designations by the Plaintiffs (**green font**).

- 2) Paper copies of all documents exhibited during the deposition in the order that they are identified.
- b. A flash drive containing electronic copies of all exhibits and the deposition video cuts for the witness with exhibit call-outs.
3. The *Deposition Packages* for **Non-Expert Witnesses** shall be completed on a rolling-basis according to the following timeline¹:
 - a. Plaintiffs shall serve Defendants with Non-Expert witness Transcripts containing their initial designations on or before **Friday, July 10, 2015**.
 - b. Defendants shall serve Plaintiffs with Non-Expert witness Transcripts containing their initial designations on or before **Friday, July 10, 2015**. Defendants' initial designations shall be in native format to permit Plaintiffs to insert counter-designations and objections.²
 - c. Defendants shall serve Plaintiffs with witness Transcripts containing Plaintiffs' initial designations and Defendants' counter-designations and objections on or before **Friday, July 24, 2015**. Defendants' counter-designations shall be in native format to permit Plaintiffs to insert counter-designations and objections.
 - d. Plaintiffs shall serve Defendants with witness Transcripts containing Defendants' initial designations and Plaintiffs' counter-designations and objections on or before **Friday, July 24, 2015**.
 - e. Following their receipt of a Transcript, the parties shall insert their rebuttal designations, objections to the opposing parties' designations and responses to the opposing parties' objections. Plaintiffs will then prepare a deposition

¹Service of all submissions described herein shall occur no later than 1:00 p.m. EST on the date identified.

² Defendants' service of their initial designations contemplated by Paragraph 3.b. and their counter-designations to be made pursuant to Paragraph 3.c., *infra.*, shall not constitute a waiver by Plaintiffs to argue that the designations by Defendants that may be played during Plaintiffs' case in chief shall be consistent with Federal Rule of Civil Procedure 32 (a)(6), i.e., limited to designations that complete the discussion of a particular matter at issue and/or for continuity purposes that are essential to clarify segments presented by Plaintiffs.

video containing³ all of the parties' designations with exhibit call-outs. The finalized Transcript and deposition video shall be submitted to the Defendants for a final review.

- f. Following receipt of the finalized Transcript and deposition video, Defendants shall notify the Plaintiffs of any objections or corrections to the finalized Transcript and deposition video within 3 days.
 - g. The parties shall continue to work in good-faith as they have done thus far and remain flexible as needed in connection with the time periods set forth in paragraphs 3(a) to (d) above.
 - h. Following the resolution of any objections or corrections identified by the Defendants, Plaintiffs shall submit the final *Deposition Package* to the Court with a service copy to Defendants on or before **Monday, August 7, 2015**.
4. The *Deposition Packages* for **Expert Witnesses** shall be completed on a rolling-basis according to the following timeline⁴:
- a. Plaintiffs shall serve Defendants with Expert witness Transcripts containing their initial designations on or before **Friday, July 17, 2015**.
 - b. Defendants shall serve Plaintiffs with Expert witness Transcripts containing their initial designations on or before **Friday, July 17, 2015**. Defendants' initial designations shall be in native format to permit Plaintiffs to insert counter-designations and objections.⁵
 - c. Defendants shall serve Plaintiffs with witness Transcripts containing Plaintiffs' initial designations and Defendants' counter-designations and objections on or before **Friday, July 31, 2015**. Defendants' counter-designations shall be in native format to permit Plaintiffs to insert counter-designations and objections.

³The party initially designating from a deposition shall pay the expenses associated with the videos and production of the Deposition Packages for that witness. In the event both parties initially designate from the same witness, costs for the preparation of the Deposition Package shall be shared evenly.

⁴Service of all submissions described herein shall occur no later than 1:00 p.m. EST on the date identified.

⁵ Defendants' service of their initial designations contemplated by Paragraph 4.b. and their counter-designations to be made pursuant to Paragraph 4.c., *infra.*, shall not constitute a waiver by Plaintiffs to argue that the designations by Defendants that may be played during Plaintiffs' case in chief shall be consistent with Federal Rule of Civil Procedure 32 (a)(6), i.e., limited to designations that complete the discussion of a particular matter at issue and/or for continuity purposes that are essential to clarify segments presented by Plaintiffs.

- d. Plaintiffs shall serve Defendants with witness Transcripts containing Defendants' initial designations and Plaintiffs' counter-designations and objections on or before **Friday, July 31, 2015**.
- e. Following their receipt of a Transcript, the parties shall insert their rebuttal designations, objections to the opposing parties' designations and responses to the opposing parties' objections. Plaintiffs will then prepare a deposition video containing⁶ all of the parties' designations with exhibit call-outs. The finalized Transcript and deposition video shall be submitted to the Defendants for a final review.
- f. Following receipt of the finalized Transcript and deposition video, Defendants shall notify the Plaintiffs of any objections or corrections to the finalized Transcript and deposition video within 3 days.
- g. The parties shall continue to work in good-faith as they have done thus far and remain flexible as needed in connection with the time periods set forth in paragraphs 4(a) to (d) above.
- h. Following the resolution of any objections or corrections identified by the Defendants, Plaintiffs shall submit the final *Deposition Package* to the Court with a service copy to Defendants on or before **Monday, August 14, 2015**.

BY THE COURT

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

⁶The party initially designating from a deposition shall pay the expenses associated with the videos and production of the Deposition Packages for that witness. In the event both parties initially designate from the same witness, costs for the preparation of the Deposition Package shall be shared evenly.