

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

In re: AVANDIA MARKETING, SALES	:	MDL No. 1871
PRACTICES AND PRODUCTS LIABILITY	:	
LITIGATION	:	
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THIS DOCUMENT RELATES TO:	:	
<i>Bourque v. GSK, 12-5955</i>	:	
<i>Huggins v. GSK, 12-04938</i>	:	
<i>Schatz v. GSK, 12-01588</i>	:	
<i>Other Discovery Group D & E Cases</i>	:	

PTO 218

EXPERT SUBMISSIONS IN TRIAL POOL CASES

WHEREAS the Court by its Order dated December 6, 2013 directed the parties to provide a Joint Status Report advising as to whether Plaintiffs, individually or collectively, wish to submit supplemental or revised expert reports on the issue of general causation in myocardial infarction cases, and whether Defendant intends to file renewed *Daubert* motions;

WHEREAS, the parties submitted a Joint Status Report on January 21, 2014;

It is HEREBY ORDERED that expert submissions in trial pool cases shall proceed as follows:

1. ***Bourque v. GSK, 2:12-cv-05955-CMR (alleged injury, sudden death).***

Plaintiffs served an expert report from Dr. Brian Swirsky dated November 4, 2013 and identified 10 generic experts they intend to call at the trial of this action. Each of these generic experts submitted reports in this MDL in or before August 2010. Defendant GSK has not yet served expert reports. Plaintiffs may have until February 14, 2014 to serve supplemental or revised expert reports on the issue of general causation of myocardial infarction to address

developments since August 2010. Plaintiffs shall confirm by February 14, 2014 the identity of every generic MDL expert(s) they intend to call at trial. Defendant GSK shall serve its expert reports, which may include supplemental or revised expert reports, by March 21, 2014. At the time of service of reports and/or confirmation of the identity of those generic MDL experts intended to be called at trial, each party shall offer two dates for the deposition of each expert except for an expert who was previously deposed and who has not submitted any supplemental report. Depositions of experts shall be completed by April 25, 2014. All *Daubert* or dispositive motions shall be filed by May 16, 2014.

2. ***Huggins v. GSK, 2:12-cv-04938-CMR (alleged injury, heart attack).***

Plaintiffs shall serve expert reports, which may include supplemental or revised expert reports on the issue of general causation of myocardial infarction to address developments since August 2010, and/or identify every generic MDL expert they intend to call at trial, by March 7, 2014. Defendant GSK shall serve its expert reports, which may include supplemental or revised expert reports, by April 11, 2014. At the time of service of reports and/or confirmation of the identity of those generic MDL experts intended to be called at trial, each party shall offer two dates for the deposition of each expert except for an expert who was previously deposed and who has not submitted any supplemental report. Depositions of experts shall be completed by May 9, 2014. All *Daubert* or dispositive motions shall be filed by May 30, 2014.

3. ***Schatz v. GSK, 2:12-cv-01588-CMR (alleged injury, fracture).***

Plaintiffs shall serve expert reports from any witnesses they intend to call at trial by March 7, 2014. Defendant GSK shall serve expert reports from any witnesses it intends to call at trial by April 11, 2014. At the time of service of reports, each party shall offer two dates

for the deposition of each expert except for an expert who was previously deposed and who has not submitted any supplemental report. Depositions of experts shall be completed by May 9, 2014. All *Daubert* or dispositive motions shall be filed by May 30, 2014.

4. **All Other Remaining Cases in Discovery Groups D and E.**

Plaintiffs shall serve expert reports, which may include supplemental or revised expert reports on the issue of general causation of myocardial infarction to address developments since August 2010, and/or identify every generic MDL expert they intend to call at trial, by April 4, 2014. Defendant GSK shall serve its expert reports, which may include supplemental or revised expert reports, by May 9, 2014. At the time of service of reports, each party shall offer two dates for the deposition of each expert except for an expert who was previously deposed and who has not submitted any supplemental report. Depositions of experts shall be completed by June 13, 2014. All *Daubert* or dispositive motions shall be filed by July 7, 2014.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.