

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

IN RE: ZOLOFT (SERTRALINE HYDROCHLORIDE) PRODUCTS LIABILITY LITIGATION	:	MDL NO. 2342 12-MD-2342
THIS DOCUMENT RELATES TO: ALL ACTIONS	:	HON. CYNTHIA M. RUFE

PRETRIAL ORDER NO. 39
AGREED SCHEDULE THROUGH FIRST TRIAL, AND
AMENDMENT TO PRETRIAL ORDER NO. 23

1. AND NOW, this 15th day of November 2013, in recognition that discovery and trial issues are most efficiently handled by the entry of Pretrial Orders, and upon consideration of Report and Recommendation Nos. 3 and 4 of the Special Discovery Master, Andrew A. Chirls,¹ and the joint proposal of the parties, the Court hereby enters this Pretrial Order amending Pretrial Order No. 23 ("PTO 23"), to govern the schedule for discovery, trial pool selection, other pretrial proceedings, and trial, subject to entry of subsequent Pretrial Orders modifying or supplementing this Pretrial Order.

2. The following schedule is established, with amendments to PTO 23 noted:

December 6, 2013	Pfizer will complete depositions of the PSC's general causation experts. (Amendment to PTO 23)
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¹ The dates provided for in this Order supersede any conflicting dates in Report and Recommendations Nos. 3 and 4, as adopted by the Court.

January 6, 2014	PSC will complete depositions of Pfizer's general causation experts. (Amendment to PTO 23)
January 24, 2014	Threshold discovery of the Initial Discovery Group shall be completed. (Amendment to PTO 23)
February 3, 2014	<i>Daubert</i> motions and opening briefs shall be due. (Amendment to PTO 23)
February 24, 2014	Responses to <i>Daubert</i> motions shall be due. (Amendment to PTO 23)
March 10, 2014	Reply Briefs in support of <i>Daubert</i> motions shall be due. (Amendment to PTO 23)
March 10, 2014	Deadline for parties to submit joint or competing proposals to the Special Discovery Master regarding the number of cases that shall be ready for trial by November 3, 2014.
March 17, 2014	The Special Discovery Master shall: (1) issue a Report and Recommendation regarding the number of cases that should be ready for trial by November 3, 2014; and (2) randomly select the side that will choose the first case to be tried.
Week of April 7, 2014	General Causation <i>Daubert</i> hearings shall be held.
May 5, 2014	Deadline for each side to utilize or forfeit their two strikes of Initial Discovery Group selections.
May 14, 2014	[If selections are not staggered.] The PSC and Pfizer Defendants shall submit their Trial Pool selections to the Special Discovery Master.
May 14, 2014	[If selections are staggered.] The PSC shall submit its Trial Pool selections to the Special Discovery Master.
May 16, 2014	[If selections are staggered.] The Pfizer Defendants shall submit their Trial Pool Selections to the Special Discovery Master.

- May 30, 2014 Plaintiffs' additional generic non-causation expert reports and all case specific expert reports for Trial Pool Cases shall be served.
- June 30, 2014 Pfizer Defendants' additional generic non-causation expert reports and all case specific expert reports for Trial Pool Cases shall be served.
- August 15, 2014 Generic and case specific expert discovery for Trial Pool Cases shall be completed.
- September 8, 2014 *Daubert* motions and dispositive motions related to the Trial Pool Cases shall be due.
- September 22, 2014 Responses to *Daubert* motions and dispositive motions related to the Trial Pool Cases shall be due.
- September 29, 2014 Replies in support of *Daubert* motions and dispositive motions related to the Trial Pool Cases shall be due.

Deadlines Related to First Trial

- October 14, 2014 Motions in limine and motions concerning any documents as to which no agreement to admit has been reached shall be due.
- October 20, 2014 Responses to motions in limine and motions concerning any documents as to which no agreement to admit has been reached shall be due.
- October 27, 2014 Replies in support of motions in limine and motions concerning any documents as to which no agreement to admit has been reached shall be due.
- October 28-29, 2014 Jury questionnaires distributed and jury selected.
- October 30, 2014 Final pre-trial conference (including ruling on motions in limine and document issues, to the extent not reserved until trial).
- November 3, 2014 First trial begins; opening statements and start of testimony. (Amendment to PTO 23)

November 4 – 10, 2014	Trial testimony continues.
November 11, 2014	Veteran's Day, Court closed.
November 11 – 21, 2014	Trial testimony continues.
November 24, 2014	Closing arguments and jury instructions; start of jury deliberations.
November 25, 2014	Jury deliberations continue.

3. For the trial commencing on November 3, 2014, each side shall have a total of 25 hours to present its case, including openings, closings, and testimony.

IT IS SO ORDERED.

BY THE COURT:

Hon. 
CYNTHIA M. RUFÉ, J.