

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

SEP 10 2002

IN RE:)
VITAMINS ANTITRUST LITIGATION)
)
)
)
THIS DOCUMENT RELATES TO:)
ALL ACTIONS)

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Misc. No. 99-197 (TFH)
MDL No. 1285

**PROPOSED ORDER CONCERNING PRETRIAL SCHEDULE FOR
CASES TO BE TRIED IN THE DISTRICT OF COLUMBIA**

With respect to all cases in the Vitamins Antitrust Litigation that will be tried in the United States District Court for the District of Columbia, except actions expressly subject to separate scheduling orders which have previously been entered and except those actions governed by the stipulated order entered May 15, 2002, it is hereby

ORDERED that:

- I. The deadline for all dispositive motions will be August 6, 2002¹;
- II. The deadline for responses to all dispositive motions filed between August 1, 2002 and August 6, 2002 shall be September 9, 2002¹;
- III. The deadline for replies to responses to all dispositive motions filed between August 1, 2002 and August 6, 2002 shall be September 30, 2002¹;
- IV. Parties with the burden of proof on an issue will serve coordinated² witness lists, coordinated lists of exhibits (with translations as necessary³) other than

¹ The deadlines in paragraphs I, II and III of this Order were previously set by the Court and apply to all MDL cases, including those that will not be tried in the District of Columbia. All other provisions of this Order apply only to those cases to be tried in the District of Columbia. The briefing schedules for dispositive motions filed before August 1, 2002 are subject to separate orders which remain unchanged.

² "Coordinated" means that all plaintiffs will submit one list and/or set of exhibits/objections and deposition designations and the defendants will coordinate as follows: the Roche, BASF, Rhone-Poulenc and Takeda defendants will submit one list and/or set of exhibits/objections and deposition designations; the Lonza, DeGussa, Nepera and Reilly defendants will submit one list and/or set of exhibits/objections and

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demonstrative or summary exhibits (providing copies to a designated liaison counsel per side of underlying exhibits or translations on CD-ROM or in hard copy), and coordinated deposition designations on matters as to which they have the burden of proof by September 20, 2002;⁴

- V. Opposing parties (those who do not have the burden of proof on the issues addressed on September 20, 2002) will serve coordinated witness lists, coordinated lists of exhibits (with translations as necessary³) other than demonstrative or summary exhibits (providing copies to a designated liaison counsel per side of underlying exhibits or translations on CD-ROM or in hard copy), and coordinated deposition designations as to those issues by October 18, 2002;
- VI. Parties with the burden of proof on an issue will serve coordinated rebuttal witness lists, coordinated rebuttal lists of exhibits (with translations as necessary³) other than demonstrative or summary exhibits (providing copies to a designated liaison counsel per side of underlying exhibits or translations on CD-ROM or in hard copy) and coordinated rebuttal deposition designations as to those issues by November 6, 2002;
- VII. All parties shall simultaneously exchange coordinated objections to the admissibility of exhibits identified by opposing parties, and objections to and counter deposition designations by November 15, 2002;
- VIII. All parties shall simultaneously respond on a coordinated basis to admissibility objections to proposed exhibits and deposition designations, and provide replies to counter designations, by November 27, 2002;
- IX. Objections to exhibits and deposition designations shall be heard on a date to be determined;
- X. All MDL cases that will not be tried in the District of Columbia will be remanded by November 30, 2002;

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deposition designations; the Lonza, Tanabe and Sumitomo defendants will submit one list and/or set of exhibits/objections and deposition designations; the DuCoa, DCV, Mitsui, Bioproducts and Chinock defendants will submit one list and/or set of exhibits/objections and deposition designations; and the Daiichi and EISAI defendants will each submit one list and/or set of exhibits/objections and deposition designations.

³ This shall not preclude any party from supplementing translations, but any such supplementation shall afford the opposing parties a two week opportunity to provide a competing translation.

⁴ This schedule shall not apply to witnesses, exhibits and deposition designations that become available, because of fact discovery and expert depositions provided after August 15, 2002. The parties will submit additional proposals as to this material in the future.

- XI. The deadline for all motions in *limine* and *Daubert* motions shall be December 6, 2002;
- XII. The deadline for responses to all motions in *limine* and *Daubert* motions shall be December 20, 2002;
- XIII. The deadline for replies to all motions in *limine* and *Daubert* motions shall be January 6, 2003;
- XIV. Motions in *limine* and *Daubert* motions shall be heard on a date to be determined;
- XV. A final Pretrial Conference shall be held on a date to be determined, and all demonstrative and summary exhibits shall be produced one week prior to the date of that Pretrial Conference. Prior to the final Pretrial Conference, on a date to be determined by the Court, the parties shall serve each other and file with the Court any other material the Court requires for inclusion in the Final Pretrial Order;
- XVI. The parties shall simultaneously serve and file proposed voir dire questions, jury instructions and verdict forms on January 13, 2003; and
- XVII. All cases remaining to be tried before the Court will be ready for trial by January 20, 2003.

SO ORDERED.

 August 10, 2002


Thomas F. Hogan, Chief Judge
United States District Court