

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: XARELTO (RIVAROXABAN)
PRODUCTS LIABILITY LITIGATION

MDL No. 2592

SECTION L

THIS DOCUMENT RELATES TO ALL ACTIONS

JUDGE ELDON E FALLON

MAG. JUDGE NORTH

CASE MANAGEMENT ORDER NO. 2D

The parties have requested that the Court amend Case Management Order (CMO) No. 2A and CMO No. 2C regarding the schedules for the bellwether trial dates and other deadlines.

In consideration of the parties' request, **IT IS ORDERED:**

A. Paragraphs 2, 8, and 10 of CMO No. 2A are amended as follows:

2. **Trials.** The Court resets the initial trials for the following dates and locations:

- a. April 24, 2017 – Eastern District of Louisiana
- b. May 30, 2017 – Eastern District of Louisiana
- c. To Be Set in June 2017 – Southern District of Mississippi
- d. To Be Set in July 2017 – Northern District of Texas

8. **Expert Schedule for Bellwether Trials.**

9. **Briefing Schedule for Dispositive and *Daubert* Motions Regarding the Bellwether Trials.**

- a. **Briefing Schedule for Dispositive Motions Regarding the First (*Boudreaux*), Second (*Orr*), and for *Daubert* Motions Regarding the First Two Bellwether Trials (*Boudreaux* and *Orr*) for Experts Whose Depositions Were Concluded on or Before December 15, 2016:**

- i. **Motions and Briefs:** January 20, 2017

- ii. **Response in Opposition Briefs:** February 27, 2017
 - iii. **Reply Briefs:** March 10, 2017
 - iv. **Hearing and Argument (if necessary):** March 20, 2017
- b. **Briefing Schedule For Dispositive Motions For (i) Non-NDA Holders; (ii) Johnson & Johnson, and Janssen Ortho LLC; and (iii) Bayer HealthCare LLC; Bayer Corporation; Bayer AG; Bayer HealthCare AG, If Necessary, Regarding The First Two Bellwether Trials (*Boudreaux* and *Orr*) and For *Daubert* Motions Regarding The First Two Bellwether Trials (*Boudreaux* and *Orr*) For Experts Whose Depositions Are Concluded After December 15, 2016:**
- i. **Motions and Briefs:** February 10, 2017
 - ii. **Response in Opposition Briefs:** March 6, 2017
 - iii. **Reply Briefs:** March 15, 2017
 - iv. **Hearing and Argument (if necessary):** March 20, 2017
- c. **Briefing Schedule for Dispositive Motions Regarding the Third (*Mingo*) and Fourth (*Henry*) Bellwether Trials:**
- i. **Motions and Briefs:** March 31, 2017
 - ii. **Response in Opposition Briefs:** April 28, 2017
 - iii. **Reply Briefs:** May 8, 2017
 - iv. **Hearing and Argument (if necessary):** May 12, 2017

10. Schedule for Trial Preparation Documents for the First Bellwether Trial.

- a. **Jury Questionnaire:** March 1, 2017
- b. **Final Witness List:** March 24, 2017

c. Exhibit Lists and Deposition Designations: March 24, 2017

d. Plaintiff Medical Updates: March 24, 2017

e. Plaintiffs' and Defendants' Counter Deposition Designations: April 4, 2017

f. Plaintiffs' and Defendants' Objections to Exhibits and Deposition Designations: April 11, 2017

g. Plaintiffs' and Defendants' Jury Charges: April 11, 2017

h. Motions in Limine: March 29, 2017

i. Oppositions to Motions in Limine: April 12, 2017

j. Reply Briefs Regarding Motions in Limine: Shall only be allowed by agreement or Order of the Court.

k. Pretrial: April 17, 2017

- B. All provisions of CMO 2, CMO2A and CMO 2C other than those amended shall remain unchanged and in full force and effect.
- C. By agreement of the parties, Plaintiffs' Steering Committee's Motion to Compel and/or for a Protective Order to Require Complete Disclosure of Documents [R. Doc. 4742] is withdrawn without prejudice. By further agreement of the parties, Defendants will produce replacement image overlays of the documents that were impacted by the Defendants' vendor's processing error with the track changes and/or comments that were not in the original productions highlighted in yellow.

NEW ORLEANS, LOUISIANA this 24th day of January 2017.


HONORABLE ELDON E. FALLON
UNITED STATES DISTRICT JUDGE