



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

In re: PARAQUAT PRODUCTS
LIABILITY LITIGATION

Case No. 3:21-md-3004-NJR

MDL No. 3004

This Document Relates to All Cases

CASE MANAGEMENT ORDER NO. 16
RESETTING EXPERT DEADLINES,
DISPOSITIVE MOTION DEADLINES, AND TRIAL DATE

ROSENSTENGEL, Chief Judge:

Hurricanes, illnesses, family emergencies. These things are a part of life—and litigation. Unfortunately, they happen, and they cause delays despite best efforts by a court and counsel.

The undersigned started this litigation in June 2021 with an aggressive schedule, with the goal of having the first trial underway in November 2022. (*See* Doc. 127, Transcript of Initial Case Management Conference on June 23, 2021). At that time the Court (regrettably) did not anticipate the resistance that would come from efforts to coordinate with local state court litigation which had recently settled on the eve of trial after extended pretrial proceedings. (*Id.* at p. 3).

A little more than a year ago, the undersigned still intended to start a trial in November 2022; additional trial dates of March 13, 2023, June 12, 2023, and September 18, 2023, were set. (*See* CMO 12, Doc. 587). Various deadlines had to be tweaked along the way (*see* Docs. 1541, 1739), and by August 2022, it was clear a trial in November 2022

was not realistic. The November 2022, March 2023, and June 2023 dates were vacated. (See CMO 15, Doc. 2183).

And now, because of unexpected occurrences (a hurricane, COVID-19 infections, and other issues) and despite committed efforts by counsel, the depositions of Plaintiffs' experts have been delayed, which, of course, has impacted the disclosure of Defendants' expert reports. The parties have negotiated informal extensions with the Special Master, and the Court addressed the issues with counsel at the recent status conference.

Notably, the Court previously rejected a request for simultaneous expert disclosures and set deadlines for Defendants' disclosures to follow Plaintiffs'. The undersigned will not change course on that decision now simply because of unexpected delays, solely in an effort to maintain deadlines (and a trial date) that have become obviously unrealistic. That being said, it is still the undersigned's intent to marshal these cases to resolution, if possible, or at least to complete pretrial proceedings as expected by the Judicial Panel on Multidistrict Litigation ("JPML"), in a timely fashion.

Accordingly, after considering the status of expert discovery in this MDL, and in consultation with Special Master Randi S. Ellis, the Court **RESETS** deadlines as follows:

- Defendants shall provide Plaintiffs with a list of all experts and dates for their experts' depositions on or before **December 23, 2022**.
- Defendants shall complete depositions of Plaintiffs' experts on or before **January 6, 2023**.
- Defendants experts' reports shall be disclosed by **January 20, 2023**.
- Plaintiffs to complete depositions of Defendants' experts by **February 24, 2023**.
- Plaintiffs shall disclose rebuttal experts, if any, by **March 3, 2023**.

- Defendants shall complete depositions of Plaintiffs' rebuttal experts by **March 20, 2023**.

In addition, the dates previously set for summary judgment and *Daubert* motions and a hearing on them (*see* CMO 15, Doc. 2183) are **VACATED**. In their place, the following deadlines are imposed:

- Summary judgment and *Daubert* motions shall be filed on or before **April 17, 2023**.¹
- Responses to summary judgment and *Daubert* motions shall be filed on or before **May 17, 2023**.
- Replies regarding summary judgment and *Daubert* motions shall be filed on or before **May 31, 2023**.

A hearing on summary judgment and *Daubert* motions will begin on **June 26, 2023, at 9 a.m.**, in the East St. Louis Courthouse. The Court will set aside the entire week of June 26 for this hearing; a detailed schedule outlining the order the Court prefers to hear the motions, including whether any consolidated hearings will be held with any state court, will be provided after the motions are filed.

- The previously set trial dates in July and September 2023 are **CANCELED**.
- A final pretrial conference will be held at **9:30 a.m.** on **October 3, 2023**.

Deadlines related to motions *in limine*, deposition designations, witness and exhibit lists, and jury instructions, will be set by separate order once the first trial case is selected.

- Jury trial in the first trial selection case² will begin at **9:00 a.m.** on **October 16, 2023**.

¹ The Court will set guidelines and limitations on these motions in advance of this deadline.

² The Court will develop a protocol for selection of the first trial case at a later time.

The Court considers this schedule realistic and final. Counsel shall work diligently to meet these deadlines.

IT IS SO ORDERED.

DATED: December 12, 2022

Handwritten signature of Nancy J. Rosenstengel in black ink, with a circular seal of the U.S. District Court for the District of Maryland partially visible behind the signature.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge