

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: PROTON-PUMP
INHIBITOR PRODUCTS
LIABILITY LITIGATION**

**2:17-MD-2789 (CCC)(MF)
(MDL 2789)
and all member and related cases**

Judge Claire C. Cecchi

**This Document Relates to:
All Actions**

**CASE MANAGEMENT ORDER NO. 69
(Amended Bellwether Pretrial Scheduling Order)**

I. SCOPE AND APPLICABILITY

This Case Management Order (“CMO”) is intended to conserve judicial resources, eliminate duplicative discovery, serve the convenience of the parties and witnesses, and promote the just and efficient conduct of this litigation. The following shall apply to all cases in MDL 2789. This CMO modifies certain deadlines set forth in CMO Nos. 50, 55, and 57 and is entered upon the recommendation of Special Master Ellen Reisman. This CMO does not modify the trial date or selection of cases set forth in CMO No. 68.

II. PRETRIAL SCHEDULE

A. Special Master Ellen Reisman will hold oral arguments on preemption motions in the six Bellwether Trial Cases, which were selected in

CMO No. 48, Paragraph 3, on the amended motion for summary judgment on the statute of limitations for *Rieder* (2:19-cv-00850), and other dispositive motions for *Rieder* will take place on **March 28, 2022**.

- B. Special Master Ellen Reisman will hold oral arguments on the parties' *Daubert* motions for *Rieder* on **April 4, 2022**.
- C. Parties shall exchange exhibit lists and witness lists for *Rieder* on or before **April 22, 2022**.
- D. Parties shall exchange supplemental exhibit lists for *Rieder* on or before **April 29, 2022**.
- E. Motions in limine for *Rieder* shall be filed on or before **May 20, 2022**.
- F. Special Master Ellen Reisman shall issue Reports and Recommendations on the parties' preemption motions in the six Bellwether Trial Cases, on the amended motion for summary judgment on the statute of limitations for *Rieder*, on other dispositive motions for *Rieder*, and on *Daubert* motions for *Rieder* on or before **May 20, 2022**.
- G. Objections to exhibit lists and supplemental exhibit lists for *Rieder* shall be filed on or before **May 26, 2022**.

- H. Objections to Reports and Recommendations issued by Special Master Ellen Reisman on the parties' preemption motions in the six Bellwether Trial Cases, on the amended motion for summary judgment on the statute of limitations for *Rieder*, on other dispositive motions for *Rieder*, and on *Daubert* motions for *Rieder* shall be filed on or before **June 10, 2022**.
- I. Oppositions to motions in limine for *Rieder* shall be filed on or before **June 17, 2022**.
- J. Responses to objections to Reports and Recommendations issued by Special Master Ellen Reisman on the parties' preemption motions in the six Bellwether Trial Cases, on the amended motion for summary judgment on the statute of limitations for *Rieder*, on other dispositive motions for *Rieder*, and on *Daubert* motions for *Rieder* shall be filed on or before **June 24, 2022**.
- K. Replies to oppositions to motions in limine for *Rieder* shall be filed on or before **June 27, 2022**.
- L. Deposition designations for *Rieder* shall be filed on or before **June 30, 2022**.
- M. Objections to deposition designations and counter-designations for *Rieder* shall be filed on or before **July 29, 2022**.

- N. If the Court determines that a hearing or oral argument on summary judgment and/or *Daubert* motions, or limited/certain parts thereof, is necessary, such a hearing will be scheduled on or before **July 29, 2022**.
- O. Special Master Ellen Reisman shall issue a Report and Recommendation on the parties' motions in limine for *Rieder* on or before **August 5, 2022**.
- P. Objections to deposition counter-designations for *Rieder* shall be filed on or before **August 12, 2022**.
- Q. Objections to the Report and Recommendation issued by Special Master Ellen Reisman on the parties' motions in limine for *Rieder* shall be filed on or before **August 19, 2022**.
- R. Each party shall submit proposed jury instructions, jury questionnaires, and verdict forms for *Rieder* on or before **August 26, 2022**.
- S. Responses to objections to the Report and Recommendation issued by Special Master Ellen Reisman on the parties' motions in limine for *Rieder* shall be filed on or before **September 2, 2022**.
- T. The parties shall submit a proposed Joint Pretrial Order to the Court for *Rieder* on or before **September 9, 2022**.

U. The Court shall hold a final pretrial conference for *Rieder* on or before **October 3, 2022**.

V. Jury selection for *Rieder* shall be scheduled to begin on **October 6, 2022**.

III. MEET AND CONFER

The Court reminds the parties that the Federal Rules of Civil Procedure “should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1; *see also* Fed. R. Evid. 102 (Rules of evidence “should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay ... to the end of ascertaining the truth and securing a just determination.”). Accordingly, the parties in the six Bellwether Trial Cases shall meet and confer in good faith and attempt to resolve any disputes regarding the admission into evidence of any exhibit or testimony, any proposed jury questionnaires or instructions, and any other matter set forth above in Section II prior to filing any motion or other paper seeking the Court’s determination on the issue.

IT IS SO ORDERED

SIGNED 17 day of February, 2022.

A handwritten signature in black ink, appearing to read 'CC', is written above a horizontal line.

CLAIRE C. CECCHI
United States District Judge