

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

**ORDER AMENDING DISCOVERY SCHEDULE**

**ROSENSTENGEL, Chief Judge:**

Upon consultation with Special Master Ellis, who has discussed the current scheduling order deadlines with lead counsel for Plaintiffs and Defendants, the Court hereby **SUSPENDS** the May 16, 2022 deadline to complete fact discovery and medical examinations in cases selected for full work up. The Court will discuss the fact and expert discovery deadlines with the parties at the status conference on May 13.

In the meantime, the parties should proceed with discovery as follows:

**A. Third-Party Witness Depositions**

It has come to the Court's attention that, while Defendants have identified a combined 16 additional fact witnesses, Plaintiffs have identified at least 121 additional fact witnesses. Deposing this number of witnesses, some of whom have not even been identified by name, is simply implausible.

At this time, the Court **LIMITS** the parties to **one** non-medical fact witness of Defendants' choice and **one** medical witness to be agreed upon by the parties. The deposition of the medical witness shall not exceed **three hours**. If necessary, the parties

will be given leave to further depose these witnesses if the case is ultimately selected for trial.

The Court will further discuss the total number of fact witnesses to be deposed at the May 13 status conference.

**B. Medical Examinations and Records**

Plaintiffs in the cases selected for full work up are **ORDERED** to submit to medical examinations pursuant to Federal Rule of Civil Procedure 35. Counsel shall work together to schedule those examinations starting immediately. Plaintiffs are **FURTHER ORDERED** to provide authorizations and releases for all medical records and to assist defense counsel with locating treating physicians or other fact witnesses. The parties are reminded that gamesmanship and obstruction of information will not advance the litigation; civility and cooperation is required for the just and efficient resolution of these cases.

**IT IS SO ORDERED.**

**DATED: May 3, 2022**

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. Behind the signature, there is a circular seal of the United States District Court for the District of Maryland. The seal features an eagle with wings spread, perched on a shield, with the words "U.S. DISTRICT COURT" and "DISTRICT OF MARYLAND" around the perimeter.

---

**NANCY J. ROSENSTENGEL**  
**Chief U.S. District Judge**