

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

THIRD ORDER AMENDING DISCOVERY SCHEDULE

ROSENSTENGEL, Chief Judge:

Pursuant to discussions with the parties at the Case Management Conference held on June 10, 2022, and in consultation with Special Master Randi S. Ellis, the Court **CLARIFIES** and **AMENDS** the Second Order Amending Discovery Schedule (Doc. 1541) as follows:

- No later than noon CT on **June 20, 2022**, the Parties shall supplement their initial witness disclosures so they comply with Federal Rule of Civil Procedure 26(a)(1)(A)(i). Rule 26(a)(1)(A)(i) requires the parties to disclose “the name and, if known, the address and telephone number of each individual likely to have discoverable information—**along with the subjects of that information**—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.” (emphasis added).

- Any deposition of a witness with information relevant to Plaintiff’s Paraquat purchase, sale, exposure, use, and/or location where the exposure took place shall be completed by **August 12, 2022**. The deposition shall presumptively be limited to four hours total, to be allocated as two hours per side, with Plaintiffs questioning first to

the extent they intend to conduct any direct examination. To the extent either side believes that they require more than two hours for any such deposition, the Court expects the parties to work in good faith to attempt to reach an agreement, and to raise any disputes with Special Master Ellis.

- If a witness has information relevant to Plaintiff's Paraquat purchase, sale, exposure, use, and/or location where exposure took place **and** Plaintiff's economic damages, the deposition shall be completed by **August 12, 2022**. The deposition shall presumptively be limited to four hours total, to be allocated as two hours per side, with Plaintiffs questioning first to the extent they intend to conduct any direct examination. To the extent either side believes that they require more than two hours for any such deposition, the Court expects the parties to work in good faith to attempt to reach an agreement, and to raise any disputes with Special Master Ellis.

- Any deposition of a witness with information relevant **solely** to Plaintiff's economic damages shall be completed by **September 16, 2022**. The deposition shall presumptively be limited to four hours total, to be allocated as two hours per side, with Plaintiffs questioning first to the extent they intend to conduct any direct examination. To the extent either side believes that they require more than two hours for any such deposition, the Court expects the parties to work in good faith to attempt to reach an agreement, and to raise any disputes with Special Master Ellis.

- Any deposition of a former employee of Defendants who is identified by Defendants in their initial disclosures shall be completed by **August 12, 2022**. The deposition shall presumptively be limited to nine hours total, to be allocated as four and

a half hours per side, with Defendants questioning first to the extent they intend to conduct any direct examination. To the extent either side believes that they require more than four and a half hours for any such deposition, the Court expects the parties to work in good faith to attempt to reach an agreement, and to raise any disputes with Special Master Ellis.

- Treating physicians shall be disclosed in accordance with Rule 26(a)(2) at the time for expert disclosures. Treating physicians shall not be deposed until after the time for expert disclosures set forth below.

- The Court further amends its prior Orders to set the following deadlines for the six cases selected for full work-up:

- Plaintiffs' general and specific expert disclosures—including treating physicians and physicians who performed independent medical examinations—by **October 14, 2022**;
- Defendants to complete depositions of Plaintiffs' experts by **November 18, 2022**;
- Defendants' general and specific expert disclosures by **December 2, 2022**;
- Plaintiffs to complete depositions of Defendants' experts by **January 13, 2023**;
- Plaintiffs' rebuttal expert disclosures by **January 20, 2023**;
- Defendants to complete deposition of Plaintiffs' rebuttal experts by **February 6, 2023**.

- Additional deadlines, including deadlines related to *Daubert* motions and briefing, will be set at a later date.

Finally, the Court reiterates its intent to have all six trial selection cases fully

worked up for trial. At this time, the Court does not plan to further reduce the number of cases in the trial pool. The Court advises counsel to proceed accordingly.

IT IS SO ORDERED.

DATED: June 17, 2022

A handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. Behind the signature is a circular seal of the United States District Court for the District of Columbia, featuring an eagle with a shield and a banner.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge