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

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| **In re: PARAQUAT PRODUCTS LIABILITY LITIGATION** | **Case No. 3:21-md-3004-NJR** |
| | **MDL No. 3004** |
| **This Document Relates to:** | |

## ORDER

**ROSENSTENGEL, Chief Judge:**

On August 17, 2022, this Court selected 20 non-bellwether cases for limited discovery; ordered Plaintiffs to complete a Plaintiff Fact Sheet (PFS) within 14 days of the Order; and ordered that Plaintiffs' depositions be completed within 60 days of the Order. (Doc. 2184). Thereafter, one of the selected cases was dismissed with prejudice. On September 19, 2022, the Court selected a substitute case and, again, ordered a completed PFS within 14 days and a completed deposition within 60 days of that Order. (Doc. 2394).

The parties have conferred with Special Master Ellis regarding the status of discovery for the 20 selected cases. All PFSs have been completed and depositions have begun; however, for certain cases, additional time is needed to complete the depositions. In this regard, there are three categories of cases: (1) cases in which the parties agree that the depositions can proceed within the original deadline of October 17, 2022; (2) cases in which the parties agree to a brief extension to complete the depositions; and (3) one case in which Defendants seek additional time but Plaintiff opposes the request because he believes that substantial records have been produced to enable the deposition to go

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forward.

With respect to the first category of cases, for Plaintiffs Laura Bowers (21-pq-1568-NJR), George Muentnich (21-pq-1239-NJR), and Linda Zumdahl (22-pq-76-NJR),[1] the depositions shall proceed as currently scheduled on or before October 17, 2022.

With respect to the second category of cases, for Plaintiffs Greg Boldt (21-pq-579-NJR), James Catton (21-pq-1732-NJR), Ronald Dachsteiner (22-pq-1551-NJR), Joann Dall (21-pq-1384-NJR), Tamala Dillow (21-pq-1613-NJR), Stephen Durbin (21-pq-551-NJR), Martin Feith (21-pq-1158-NJR), Mark Fodness (21-pq-1524-NJR), David Frank (21-pq-744-NJR), James Hitchcock (22-pq-57-NJR), Janet Kistner (21-pq-1678-NJR), Daniel Kowalczyk (22-pq-118-NJR), Dale Smith (Dale 21-pq-627-NJR), and Ralph Walter (22-pq-1003-NJR), the Court **hereby EXTENDS** the deadline to conduct depositions pursuant to the August 17th Order for 30 days **up to and including November 16, 2022**. For Plaintiff William Kirchoff (21-pq-1052-NJR), the Court **hereby EXTENDS** the deadline to conduct the deposition pursuant to the August 17th Order for 14 days **up to and including October 31, 2022**.

With respect to the third category, for Plaintiff Eddie Spence (22-pq-351-NJR), Defendants shall provide to Special Master Ellis on or before **October 14, 2022** (1) a list of the records produced to date and (2) a list of outstanding records, with a synopsis why they are needed. Plaintiff Spence shall provide a response to Special Master Ellis, on or

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[1] The parties have agreed and advised that as Zumdahl and Defendant Chevron are both citizens of California, they anticipate filing a joint motion to dismiss without prejudice on or before October 17, 2022, so that the matter may be refiled in California.

before **October 17, 2022**, detailing the sufficiency of the records already produced and why the deposition should proceed immediately.

For Plaintiff Kimberly D. Frank (21-pq-691-NJR), who was substituted as an additional Plaintiff for limited discovery on September 19th, the deadline for completing this deposition is **November 18, 2022**. Any disagreement regarding whether substantial records have been produced to allow this deposition to proceed within the deadline should be raised with Special Master Ellis.

**IT IS SO ORDERED.**

DATED:   **October 14, 2022**

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