

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE NUVARING PRODUCTS) 4:08MD1964 RWS
LIABILITY LITIGATION)
) ALL CASES

**CASE MANAGEMENT ORDER FOR THE
SELECTION OF BELLWETHER CASES FOR TRIAL**

The parties have submitted a joint proposed order for the selection of initial cases to be set for trial from the bellwether list of 25 cases. The proposal also provides suggested dates for the conclusion of discovery in these initial cases. I have reviewed the proposed order and adopt it as follows:

IT IS HEREBY ORDERED that Prather v. Organon, 4:08CV558 RWS, shall be one of the initial cases set for trial.

IT IS FURTHER ORDERED that Plaintiffs and Defendants shall each select an additional seven cases from the bellwether list to prepare for trial and shall file a notice with the Court of their selections no later than **April 26, 2011**. These cases, along with Prather, will constitute the preliminary trial pool.

IT IS FURTHER ORDERED that Plaintiffs and Defendants may each strike three cases from the preliminary trial pool (except Prather) and shall file a notice with the Court of their strikes no later than **April 29, 2011**. The remaining cases will constitute the final trial pool. Plaintiffs shall not voluntarily dismiss, without prejudice, any of the final trial pool cases.

IT IS FURTHER ORDERED that all fact discovery and depositions will be completed in all 25 bellwether cases no later than **June 24, 2011**. After that date, no depositions may be taken in these cases absent a stipulation or by leave of Court.

IT IS FURTHER ORDERED that expert discovery thereafter will be limited to the cases in the final trial pool and will be conducted as set out in my order entered on September 17, 2010. After the completion of expert discovery, a scheduling conference will be held in March 2012 to set the trial dates and the method to select the first three cases to go to trial. The Prather case will be one of the first three cases to go to trial. The parties agree to waive their rights under Lexecon for the two other cases included in the first three cases to go to trial.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 18th day of April, 2011.