

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:
All Actions

**PRETRIAL ORDER NO. 13:
Amended Scheduling Order**

On March 24, 2016, the Court issued Pretrial Order No. 4: Scheduling Order. The parties subsequently proposed revisions to that scheduling order. After considering the parties' submissions on the matter and hearing oral arguments on September 8, 2016, and for good cause shown, the Court hereby orders that the following schedule shall govern this Consolidated Action, superseding Pretrial Order No. 4. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3. Unless otherwise specified herein, the parties are also directed to comply with the Federal Rules of Civil Procedure and the Local Rules of this Court.

1. The parties submitted a proposed protective order and ESI protocol. *See* Pretrial Order Nos. 7 & 10.
2. Initial disclosures required by Rule 26(a)(1) that pertain to the issue of general causation were to have been completed on or before April 29, 2016.
3. Master Long Form and Master Short Form Complaints were to have been filed and served on or before April 29, 2016. Plaintiffs filed a First Amended Master Short Form Complaint [Dkt. No. 96] and an amended Master Long Form Complaint [Dkt. No. 97] on August 24, 2016.
4. A "Science Day" educational tutorial was held off the record on May 19, 2016.
5. Answer(s) to the Master Long Form Complaint could be filed no later than July 8, 2016. Defendants filed an Answer to the Amended (Master Long Form) Complaint [Dkt. No. 105] on August 31, 2016.
6. Motion(s) to dismiss claims or parties in the Master Long Form Complaint could be filed no later than July 8, 2016.

7. Plaintiffs could amend the Master Long Form and Master Short Form Complaints without leave of Court on or before July 29, 2016.
8. The parties were to propose a form Plaintiff Fact Sheet and a service protocol on or before August 19, 2016, which was extended to August 26, 2016.
9. Fact discovery on the issue of general causation shall be commenced in time to be completed by January 20, 2017.
10. Plaintiff Fact Sheets shall be served no later than 90 days after the Court adopts the form Plaintiff Fact Sheet.
11. The parties shall propose a plan (*i.e.*, criteria and protocol) for the selection of bellwether cases on or before October 17, 2016.
12. The bellwether pool shall consist of cases filed in, removed to or transferred to this Court on or before December 19, 2016.
13. **Experts on General Causation:**
 - a. Initial expert reports and disclosures of the identity of expert witnesses under Rule 26(a)(2) shall be exchanged on or before February 1, 2017.
 - b. Rebuttal expert reports and disclosures of the identity of rebuttal expert witnesses shall be exchanged on or before April 3, 2017.
 - c. Depositions of expert witnesses must be completed on or before June 2, 2017.
14. Bellwether cases shall be selected on or before March 1, 2017.
15. Initial disclosures required by Rule 26(a)(1) that pertain to the bellwether-case-specific issues shall be completed on or before March 8, 2017.
16. Motions to amend the Amended Master Short Form and Master Long Form Complaints to include punitive damages claims may be filed no later than April 21, 2017.
17. *Daubert* motions and other dispositive motions (as defined under the Local Rules of this Court) on general causation and issues not specific to bellwether cases may be filed no later than June 15, 2017.
18. Bellwether-case-specific discovery shall be commenced no earlier than March 2, 2017, and shall be completed no later than July 1, 2017.
19. Bellwether-case-specific dispositive motions shall be filed no later than August 1, 2017.
20. The first bellwether trial shall commence November 6, 2017.

The next status conference will be held on October 13, 2016, at 9:30 a.m. Starting in November 2016, in order to better accommodate counsels' schedules, the regularly scheduled status conferences shall be held on the third Thursday of each month at 10:00 a.m. in Courtroom 12W, 12th Floor, U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415.

The Court DIRECTS the Clerk to send a copy of this Order to the Clerk of the Judicial Panel on Multidistrict Litigation, and counsel of record.

Dated: September 9, 2016

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge