

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: LEVAQUIN PRODUCTS
LIABILITY LITIGATION

MDL No. 08-1943 (JRT)

This document also relates to:

PRETRIAL ORDER #6

Sharon Johnson v. Johnson and Johnson,
No. 06-3728

Calvin Christensen v. Johnson and Johnson,
No. 07-3690

Richard Kirkes v. Johnson and Johnson, No.
07-1862

John Schedin v. Johnson and Johnson, No.
085734

Edward Karkoska v. Johnson and Johnson,
No. 07-3690

Eugene Martinka v. Johnson and Johnson,
No. 08-5754

The parties have agreed that the cases listed in this Order shall be made trial ready as the first bellwether cases in this litigation. Which cases shall be tried, in what sequence, and whether they shall be tried individually or on a consolidated basis shall be decided at a later date. Pursuant to the Agreement of the Parties, it is hereby Ordered:

1. Paragraphs I and II of Pre-Trial Order 4 are vacated. The cases listed in PTO 4 that are not included in this Order shall be included as Phase II cases. The Schedule for the above cases is as follows:

Case specific discovery

Identification of fact witnesses	March 30, 2010
Plaintiff's case specific expert reports	March 30, 2010
Defendant's case specific expert reports	April 30, 2010
Depositions of Plaintiff's experts	May 31, 2010
Depositions of Defendant's experts	June 30, 2010
Fact witness discovery cutoff	June 30, 2010
Dispositive/Daubert motions	July 30, 2010
Motion responses	August 30, 2010
Motion replies	September 15, 2010
Pre-trial conference/Motion hearings	September 30, 2010
Trial ready	October 30, 2010

Generic discovery

Plaintiff's warning expert reports	March 30, 2010
Rebuttal experts, both parties	March 30, 2010
Defendant's warning expert reports	April 30, 2010
Depositions of Plaintiff's experts (warnings and rebuttal)	May 31, 2010
Depositions of Defendant's experts (warnings and rebuttal)	June 30, 2010
Generic Dispositive/Daubert motions	July 30, 2010
Motion responses	August 30, 2010
Motion replies	September 15, 2010
Pre-trial conference/Motion hearings	September 30, 2010
Trial ready	October 20, 2010

2. Nothing in this Order is intended as a cutoff for generic discovery related to other cases.

DATED: February 12, 2010
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge