

Pleadings, defense filed six identical Motions and the plaintiffs' plans to file a response to the reply brief by the 15th of September.

5) The agenda for the October 6th hearing will be the *Daubert* hearings on Seeger, Layde, Rodricks, Zhanel, Waymack, Holmes, Smith, Zizic, Blume, and regarding Intent and Motivation. Counsel have come to an agreement on Wells—to remove paragraph 34— and Winkleman—to not use for the *Schedin* case but allow for all others—so those Motions won't be heard. There was some discussion between the parties about whether the Holmes hearing could go forward on the 6th based on some missing documents. Counsel agreed to work to identify any missing documents and shorten deadlines so that Holmes could be heard the same day as the other *Daubert* hearings.

6) The Court moved the *Schedin* trial to November 15th with three weeks of the calendar cleared. Counsel will submit a new Pretrial Order. Counsel agreed to exchange an exhibit list on the 1st of October and they agreed to submit one combined list of those exhibits on which they agree and then separate lists for any other exhibits. Objections on exhibits will be due on the 15th. The Court set the trial schedule for 11 days of trial, with 66 hours of testimony. All parties agreed to a trial clock. Plaintiffs' counsel requested the time split be 38 hours for plaintiff and 28 hours for the defense due to the burden of persuasion. The defense requested 33 hours each. The Court agreed to decide the issue after seeing the new Pretrial Order with the schedule changes at a later date. Wednesday, November 3rd at 2:00PM was set for Motions in Limine. The parties discussed what the status of last minute depositions and evidence in other trials would be for the *Schedin* case. The Court decided to deal with those issues if and when they arose rather than make a pretrial decision on late evidence and exhibits. The Court noted that voir dire would only be conducted by the Court but that counsel could submit a questionnaire to be considered by the Court in that process. Defense counsel noted they did not plan to have a corporate representative at counsel table during the trial.

7) Due to the change in the New Jersey trial date and conflicting schedules of the attorneys, a decision for the scheduling of the next bellwether trial was moved to the next scheduling conference.

APPEARANCES:

Plaintiff: Ronald Goldser, Caia Johnson, Troy Giatras
Defendant: John Dames, Bill Essig, William Robinson, Jr, Tracy Van Steenburgh
Phone: Lewis Saul, Alyssa Daniels, Jonathan Mencil, Mike Miller, Rick Schulte, Eric Terry,
Ken Hewitt

s/Holly A. McLelland
Calendar Clerk