

**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 #8**

*Schedin v. Johnson and Johnson,*  
*File No. 08-5743*

---

Pursuant to the agreement of the parties, it is hereby **ORDERED**:

1. That Plaintiff will not call expert Myron Winkelman in the above trial
2. That Defendants will withdraw their Daubert motion as to Myron Winkelman [Docket No. 1663] in this case, without prejudice to renewing that motion in other cases.
3. That both parties are free to use the reports, exhibits and testimony of Myron Winkelman in any pending motions before the Court.
4. That Plaintiff's expert Martin T. Wells, Ph.D will not offer any opinion at trial that is based on data he extracted and analyzed from Defendants' adverse event reports stored in a database known as SCEPTRE as set forth in paragraphs 8 and 34 of his initial expert report and paragraph 8 of his supplemental expert report.

5. That Defendants will withdraw their Daubert motion as to Martin T. Wells, Ph.D. [Docket No. 1874] in this case, without prejudice to renewing that motion in other cases.

DATED: September 17, 2010  
at Minneapolis, Minnesota

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