

**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 #12

*Clifford Straka v. Johnson and Johnson et
al., File No. 08-5742*

It is hereby **ORDERED**:

1. Clifford Straka (08-5742) is selected as the Plaintiff for the third bellwether trial. The Court believes that of the remaining available cases this case is most representative of other pending cases in this litigation. The Court notes that the prescription date and the indications for prescribing Levaquin are representative of a number of other actions in the MDL. The Court also notes that Mr. Straka suffered a bilateral tendon rupture, an injury type that has not yet been tried.
2. The third bellwether trial will commence on January 3, 2011 at 9:00 A.M. The trial will be held in Courtroom 13E at the United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415.
3. The parties shall meet and confer and, on or before November 14, 2011, shall submit a list of proposed cases for the next round of trials.
4. The schedule for the Straka case is as follows:

- a) On or before October 20, 2011, the parties shall exchange case specific and generic expert reports.
- b) On or before October 28, 2011, Defendants shall file their response to Plaintiff's Motion to Amend the Complaint to Add a Demand for Punitive Damages.
- c) On or before November 4, 2011, the parties shall complete fact and expert discovery.
- d) On or before November 11, 2011, Plaintiff shall file his reply in support of Plaintiff's Motion to Amend the Complaint to Add a Demand for Punitive Damages.
- e) On or before November 14, 2011, the parties shall file dispositive motions, including *Daubert* motions.
- f) On or before November 23, 2011, the parties shall file responses to dispositive motions.
- g) On or before December 2, 2011, the parties shall file replies in support of their dispositive motions.
- h) On or before December 2, 2011, the parties shall exchange exhibit lists, witness lists and deposition designations.
- i) On or before December 2, 2011, the parties shall file motions in limine.
- j) On or before December 9, 2011, the parties shall file responses to motions in limine.

- k) On or before December 16, 2011, the parties shall file proposed jury instructions, proposed special verdict forms, proposed additions to voir dire questions, objections to exhibits, deposition designations, deposition counter-designations and objections, statements of the case, and all previously exchanged lists.
- l) On or before December 16, 2011, the parties shall exchange lists of demonstrative exhibits.
- m) On or before December 16, 2011, the parties shall submit any suggested revisions to the juror questionnaires used in *Christensen v. Johnson & Johnson, et al.* (07-3960).
- n) The Court shall hold a final pretrial conference on January 3, 2011 at 9:00 a.m. If the parties find it necessary to hold an earlier pretrial conference, they are directed to contact the Calendar Clerk.

DATED: October 13, 2011
at Minneapolis, Minnesota.

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