

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

INITIAL PRETRIAL CONFERENCE

Gary Selinsky et al.

Plaintiffs,

v.

Boehringer Ingelheim et al.

Defendants.

COURT MINUTES

Case Number: CV 06-873, 874, 875, 876, 898, 899,
900, 901, 1206, 1215, 1582 1675, 2144 JMR/FLN

Date: May 30, 2006
Court Reporter: n/a
Time Commenced: 3:30 p.m.
Time Concluded: 4:15 p.m.
Time in Court: 45 Minutes

Pretrial Conference before Chief Judge James M. Rosenbaum & Franklin L. Noel, United States Magistrate
Judge, at Minneapolis, Minnesota.

APPEARANCES:

For Plaintiff: Tara Sutton; Gary Wilson; Vince Mocchio

For Defendant: Tracy Van Steenburgh; Michael Brown; Joseph Price; Beth Rose

A. DESCRIPTION OF THE CASE

1. Nature of the case: product liability

2. Legal and factual issues:

a) Liability: whether drug made by defendant caused plaintiffs' compulsive gambling disorder

b) Damages: _____

B. THE PLEADINGS

- 1. All filed? yes
 - a. Anticipated amendments? maybe
 - b. Additional parties? _____
- 2. Jury demand:
 - a. yes no
 - b. Any issue with respect to jury demand? _____
- 3. Amend Pleadings:
 - a. Add parties/claims/defenses 11/1/06
 - b. Punitive damages motion 6/1/07

C. DISCOVERY

- 1. Limitations on Discovery: see attached
 - a) Interrogatories _____
 - b) Depositions _____
 - c) Requests for Admission _____
 - d) Document Requests _____
 - e) Rule 35 Medical Exam _____
 - f) Other _____
- 2. Pre-Discovery Disclosures _____
- 3. Discovery cut-off 5/1/07
- 4. Other deadlines Rule 35 exam - 6/1/07
- 5. Experts: YES NO
 - a. Identity _____
Initial 5/1/07 Rebuttal 6/1/07
 - b. Substance of Testimony _____
Initial 6/1/07 Rebuttal 7/1/07
 - c. Depositions; Number 11; Date 9/1/07

D. MOTIONS

1. Non-dispositive 9/1/07

2. Dispositive 11/1/07

E. TRIAL READINESS

a. Estimated Trial Time: _____

b. Trial Ready Date: 1/1/08

Defendants' motion to transfer: 9/26/06 at 9:30 a.m.

s/Franklin L. Noel
U. S. Magistrate Judge

C. DISCOVERY

1. Limitations on Discovery:

a) Common issue discovery. These limitations apply collectively to all “Mirapex” cases filed by plaintiffs’ counsel and assigned to Judge Rosenbaum:

1. Plaintiffs:

- a) Plaintiffs shall take no more than 45 common issue depositions.
- b) Plaintiffs shall serve no more than 150 common issue interrogatories;
- c) Plaintiffs shall serve no more than 150 common issue document requests;
- d) Plaintiffs shall serve no more than 150 common issue requests for admission.

2. Defendants:

- a) Defendants shall take no common issue depositions;
- b) Defendants (collectively) shall serve no more than 10 common issue interrogatories;
- c) Defendants (collectively) shall serve no more than 10 common issue document requests;
- d) Defendants (collectively) shall serve no more than 10 common issue requests for admission

b) Case specific discovery. These limitations apply individually to each “Mirapex” case filed by Plaintiffs’ counsel and assigned to Judge Rosenbaum:

1. Plaintiffs:

- a) Plaintiffs shall take no case specific depositions absent leave of the court;
- b) Each plaintiff shall serve no more than 10 case specific interrogatories on the defendants collectively;
- c) Each plaintiff shall serve no more than 10 case specific document requests on the defendants collectively;
- d) Each plaintiff shall serve no more than 10 case specific requests for admission on the defendants collectively.

2. Defendants:

- a) Defendants collectively shall take no more than 3 case specific depositions;
- b) Defendants collectively shall serve no more than 20 case specific interrogatories on each plaintiff;
- c) Defendants collectively shall serve no more than 20 documents requests on each plaintiff;
- d) Defendants collectively shall serve no more than 20 requests for admission on each plaintiff

c) Excluded from the above enumerated discovery limitations are interrogatories and request for admission directly solely at establishing the admissibility of documents or other evidence.

d) As more “Mirapex” cases are filed the parties are encouraged to evaluate how the above described discovery limitations are working. If one side or the other is unfairly burdened by the limitations imposed herein, the Court will entertain a motion to modify the limitations.