

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gary Selinsky,	Civil No. 06-873 (JMR/FLN)
Robert M. Zawyer, et al.,	Civil No. 06-874 (JMR/FLN)
Michael A. Dubaich, et al.,	Civil No. 06-875 (JMR/FLN)
Donald Nelsen,	Civil No. 06-876 (JMR/FLN)
Larry Webb, et al.,	Civil No. 06-898 (JMR/FLN)
Timothy Harms,	Civil No. 06-899 (JMR/FLN)
Timothy L. Estep,	Civil No. 06-900 (JMR/FLN)
Mary Conway,	Civil No. 06-901 (JMR/FLN)
Dennis M. Scharpen, et al.,	Civil No. 06-1206 (JMR/FLN)
Gary Charbonneau, et al.,	Civil No. 06-1215 (JMR/FLN)
Todd R. Cain,	Civil No. 06-1582 (JMR/FLN)
Manuel A. Quintela, et al.,	Civil No. 06-1675 (JMR/FLN)
Thaddeus R. Fayard,	Civil No. 06-2144 (JMR/FLN)
Hylton H. Dodd,	Civil No. 06-2145 (JMR/FLN)
Michael Averitt,	Civil No. 06-2194 (JMR/FLN)

Plaintiffs,

v.

ORDER

Boehringer Ingelheim Pharmaceuticals,
Pfizer, Inc., Pharmacia Corp and
Pharmacia and Upjohn Company

Defendants.

Tara Sutton and Vincent Moccio, for Plaintiff

Beth Rose and Tracey Van Steenburgh for Defendant Boehringer Ingelheim Pharmaceuticals
Peter Goss and Barry Thompson for Defendants Pfizer, Inc., Pharmacia Corp and Pharmacia and
Upjohn Company

THIS MATTER came before the undersigned United States Magistrate Judge on September 5, 2006, on Defendant's motion to clarify the pretrial order [#30 in 06-873; #34 in 06-874; #33 in 06-875; #27 in 06-876; #34 in 06-898; #34 in 06-899; #34 in 06-900; #33 in 06-901; #26 in 06-1206; #35 in 06-1215; #30 in 06-1582; #29 in 06-1675; #24 in 06-2144; #25 in 06-2145; and #24 in 06-2194].

The Court makes the following clarifications:

1. Section 2(b)(2)(a) of the scheduling order states that “Defendants collectively shall take no more than 3 case specific depositions.” This statements means that Defendants may not take more than three case specific depositions in each case.
2. Section 3.a. states that:
“Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) shall be made as follows:
 - 1) By all parties on or before May 1, 2007 with respect to initial experts.
 - 2) By all parties on or before June 1, 2007 with respect to rebuttal experts.”

Likewise, section 3.b. of the schedule makes reference to “initial expert reports” and “rebuttal expert reports.” In each instance, the word “initial” refers to the party with the burden of proof on the issue for which the expert witness testimony is to be proffered. The word “rebuttal” refers to the party who does not have the burden of proof on the issue for which the expert witness testimony is to be proffered.

3. Any party, who will be calling an expert witness at trial to testify about any issue as to which that party has the burden of proof must disclose the identity of the expert witness on May 1, 2007, and disclose the expert’s report on or before June 1, 2007. Any party who will be calling an expert witness to rebut the testimony of any expert disclosed on May 1, 2007, must identify the rebuttal expert on June 1, 2007 and disclose the report of the rebuttal expert witness on or before July 1, 2007.

DATED: September 7, 2006

s/ Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge