

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Gary Selinsky,	Civil No. 06-873 JMR/FLN
Robert M. Zwayer, et al.	Civil No. 06-874 JMR/FLN
Michael A. Dubaich, et al.	Civil No. 06-875 JMR/FLN
Donald J. Nelsen,	Civil No. 06-876 JMR/FLN
Larry Webb, et al.	Civil No. 06-898 JMR/FLN
Timothy G. 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 E. 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 W. Averitt	Civil No. 06-2194 JMR/FLN

Plaintiffs,

v.

**SECOND AMENDED  
PRETRIAL SCHEDULE**

Boehringer Ingelheim Pharmaceuticals,  
Inc., et al.,

Defendants.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern this proceeding. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

1. Discovery and Non-Dispositive Motions:
  - a. All motions which seek to amend the pleadings or add parties must be served by November 1, 2006, except motions to seek punitive damages must be served by August 1, 2007.
  - b. All discovery shall be commenced in time to be completed by July 1, 2007.
  - c. Rule 35 medical examinations must be completed on or before August 1, 2007.

- d. All nondispositive motions and supporting documents, including those which relate to discovery, shall be served by November 1, 2007. Nondispositive motions may be scheduled for hearing by calling Cathy Orlando, Calendar Clerk to Magistrate Judge Franklin L. Noel, 612-664-5110. All nondispositive motions shall be scheduled, filed and served in compliance with Local Rules 7.1, 37.1 and 37.2.

2. 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:

Plaintiffs shall take no more than 45 common issue depositions;

Plaintiffs shall serve no more than 150 common issue interrogatories;

Plaintiffs shall serve no more than 150 common issue document requests;

Plaintiffs shall serve no more than 150 common issue requests for admission.

2. Defendants:

Defendants shall take no common issue depositions;

Defendants (collectively) shall serve no more than 10 common issue interrogatories;

Defendants (collectively) shall serve no more than 10 common issue document requests;

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:

Plaintiffs shall take no case specific depositions absent leave of the court;

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:

Defendants collectively shall take no more than 3 case specific depositions;

Defendants collectively shall serve no more than 20 case specific interrogatories on each plaintiff;

Defendants collectively shall serve no more than 20 documents requests on each plaintiff;

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.

3. Expert Disclosure and Discovery:

- a. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) shall be made as follows:

By all parties on or before July 1, 2007, with respect to initial experts.

By all parties on or before August 1, 2007, with respect to rebuttal experts.

- b. Full disclosure of the substance of the testimony to be offered by each expert witness shall be made as follows:

By all parties on or before August 1, 2007, with respect to initial expert reports.

By all parties on or before September 1, 2007, with respect to rebuttal expert reports.

- c. Each party may depose no more than 11 expert witnesses on or before November 1, 2007.
- d. Any expert testimony which has not been fully disclosed in accordance with this schedule shall be excluded from evidence at trial.

4. Dispositive Motions:

- a. All dispositive motions shall be filed and the hearing thereon completed by January 1, 2008.
- b. Counsel are reminded that they must anticipate the time required for scheduling this hearing by calling Calendar Clerk Heather Labat at 612-664-5053.
- c. All dispositive motions shall be scheduled, filed and served in compliance with Local Rule 7.1.

5. Trial

- a. This case shall be ready for trial on and after March 1, 2008, at which time it will be placed on the court's jury trial calendar.

DATE: March 27, 2007

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