

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**In Re: National Hockey League
Players' Concussion Injury
Litigation**

MDL No. 14-2551 (SRN/JSM)

This Document Relates to All Actions

PRETRIAL ORDER NO. 18: Revised
Schedule Regarding Issues Related to
Class Certification

The Court hereby adopts this Pretrial order, which shall govern deadlines related to class certification.

1. All discovery necessary to resolve class certification issues shall be completed by July 29, 2016. The parties understand that full merits discovery will not be completed prior to class certification briefing. The parties will confer with the Court as needed to address any disagreements about the proper scope and extent of discovery that will need to be completed before class certification briefing and about how remaining discovery should proceed after class certification briefing is complete.
2. The NHL reserves the right to move the Court to deny class certification at any time.
3. Plaintiffs shall file their motion for class certification and supporting memorandum on or before September 9, 2016. In their memorandum, Plaintiffs shall identify all experts and other witnesses and other upon whom they rely in

support of their motion (including the information contemplated by Fed. R. Civ. P. 26(a)(2)(B) as to experts) and shall attach as exhibits any expert reports or affidavits upon which they rely.

4. Plaintiffs shall make their class certification experts and other witnesses identified in their memorandum available for deposition between September 19, 2016 and December 22, 2016.

5. The NHL shall file its memorandum in opposition to class certification on or before February 16, 2017. In its memorandum, the NHL shall identify all experts and witnesses upon whom it relies in opposition to plaintiffs' motion (including the information contemplated by Fed. R. Civ. P. 26(a)(2)(B) as to experts) and file as exhibits any expert reports or affidavits upon which it relies.

6. The NHL shall make its class certification experts and other witnesses identified in its memorandum available for deposition between February 20, 2017 and April 21, 2017.

7. Plaintiffs shall file their reply memorandum in support of class certification on or before May 19, 2017.

8. Plaintiffs may not submit reports on behalf of "rebuttal experts" with their reply memorandum unless they obtain prior permission of the Court. If permission to designate rebuttal experts is granted: (a) Plaintiffs shall submit such rebuttal expert reports at the time their reply memorandum is filed; (b) the NHL shall be allowed to depose any such rebuttal experts within 30 days of the filing of

Plaintiffs' reply memorandum; and (3) the NHL shall be allowed to file a sur-reply within 60 days of the filing of Plaintiffs' reply memorandum.

9. Plaintiffs and Defendant shall each be permitted a total of 15,000 words for briefing on Plaintiffs' motion for class certification. If a sur-reply is permitted, the Court will set a word limit for that document.

10. The Court shall set a hearing date on the class certification motion at its convenience thereafter.

IT IS SO ORDERED.

Dated: November 6, 2015

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Court Judge