

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: Zurn Pex Plumbing Products
Liability Litigation

ORDER
MDL No. 08-1958 ADM/RLE

Shawn M. Raiter, Esq., Larson King, LLP, St. Paul, MN, appeared for and on behalf of Plaintiffs.

James A. O'Neal, Esq., Faegre & Benson LLP, Minneapolis, MN, appeared for and on behalf of Defendants.

On October 14, 2009, the undersigned United States District Judge held a status conference on the above matter and heard oral argument on Plaintiffs' Motion to Compel Supplemental Deposition of Gary Runyan [Docket No. 81] ("Runyan"). Defendants Zurn Pex, Inc. and Zurn Industries, Inc. (collectively "Defendants") argue another in-person deposition of Runyan is unnecessary given the information Plaintiffs seek (1) arises out of a very brief conversation between Runyan and Defendants' expert, Dr. William Wecker, and (2) may be obtained through less onerous means. Plaintiffs argue that Dr. Wecker relied on Runyan's statements in forming his opinion and, therefore, Plaintiffs are entitled to conduct discovery regarding the conversation. Given the parties respective positions and to avoid the burdens placed on the Defendants and Runyan of conducting a third in-person deposition of Runyan, the Court orders that Plaintiffs are permitted to conduct a telephone deposition of Runyan, limited to one half-hour, prior to Dr. Wecker's scheduled deposition.

Also, during the status conference, the parties agreed to set aside two days for the class certification hearing between February 15, 2010 and February 28, 2010. The class certification

hearing will be held in Courtroom 13W of the Minneapolis Federal Courthouse on February 25 and February 26, 2010 at 9:00 a.m.

Based on the foregoing, and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Compel Supplemental Deposition of Gary Runyan [Docket No. 81] is **GRANTED IN PART AND DENIED IN PART**.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: October 20, 2009.