

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**In re: BAYCOL PRODUCTS LITIGATION**

**MDL No. 1431  
(MJD)**

**This Document Relates to All Actions  
No. 46**

**Pretrial Order**

---

This matter is before the Court upon Plaintiffs' objection to Defendant Bayer Corporation's intent to have persons attend a deposition in violation of PTO No. 7. Bayer sought to have its expert attend the deposition of one of Plaintiffs' expert. PTO No. 7, Section 2(a) provides for those who may attend depositions; counsel of record, members and employees of their firms, attorneys specially engaged by a party for purposes of the deposition, the parties or the representative of a party, court reporters, videographer, deponent and counsel for deponent. PTO No. 7 further provides that in the event a party wishes to have a person not listed above attend a deposition, application must be made to the Court, upon good cause shown. Bayer did not seek application from the Court to have its expert attend the deposition until after Plaintiffs made objection. As a result, the deposition did not commence on a timely basis.

Accordingly, IT IS HEREBY ORDERED that Bayer Corporation's Application to have additional persons attend a deposition is DENIED, and Bayer Corporation is assessed \$500, payable to Plaintiffs within seven days from October 30, 2002.

Date: October 31, 2002

\_\_\_\_\_  
//s//  
Michael J. Davis

United States District Court