

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: Baycol Products Litigation

MDL No. 1431

This Document Relates to All Actions

Pretrial Order No. 73

Generic Expert Discovery and Related Motion Practice

This Order establishes the procedures for discovery of expert witnesses who will be offering opinions on issues of general applicability that will be relevant to the cases pending in this MDL (hereinafter “generic experts”).

1. By July 1, 2003, the PSC shall identify all generic experts the plaintiffs intend to offer and shall produce Rule 26(a)(2) reports of those generic experts. Plaintiffs shall produce to defendants all documents, articles, data compilations and other material on which an expert relied in formulating his or her opinion no later than ten (10) days in advance of expert’s deposition.

2. Depositions of plaintiffs designated generic experts shall take place between July 15, 2003 and September 5, 2003.

3. By September 12, 2003, defendants Bayer and GSK shall identify all generic experts they intend to offer and produce the Rule 26(a)(2) reports of those generic experts. Defendants shall produce to plaintiffs all documents, articles, data compilations and other materials on which an expert relied in formulating his or her opinion no later than ten (10) days in advance of that expert’s deposition.

4. Depositions of defendants' designated generic experts shall take place between September 26, 2003 and November 14, 2003.

5. By November 21, 2003 the PSC shall identify any rebuttal generic experts the plaintiffs intend to offer and shall produce the Rule 26(a)(2) reports.

6. Depositions of generic experts shall be limited to two (2) days.

7. Daubert motions may be filed after all expert reports are in and will be briefed in accordance with a schedule to be determined by the Court.

Date: April 16, 2003

_____/s/_____
Michael J. Davis
United States District Court