

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In re: BAYCOL PRODUCTS LITIGATION

MDL No. 1431

(MJD/JGL)

This Document Relates to All Actions

Pretrial Order No. 23

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IT IS HEREBY ORDERED:

1. To eliminate disputes over service of process, reduce the expense of such service, and avoid the need for translation of complaints into German, Defendant Bayer AG has agreed to accept service of process for Baycol cases filed in federal court through service, by Registered Mail, Return Receipt Requested, upon the following:

Lydia Schulze Althoff  
Bayer AG  
Rechtsabteilung/Legal Department  
Geb. Q26  
D-51368 Leverkusen  
Germany

Service will be effective only if addressed as above. General mailing to Bayer AG will not be sufficient to effect service. Service will be effective 10 days after mailing.

Contemporaneous with mailing, plaintiffs should provide, by first class mail, notice of service to the following:

Daniel Orie  
Eckert Seamens Cherin & Mellott, LLC  
USX Tower  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219

Bayer AG reserves all other rights available to it under federal or state law and under applicable treaties and conventions.

2. Bayer AG's responsive pleadings to any original process served pursuant to Paragraph 1 on or before October 15, 2002, shall be due 120 days after the date of service. Bayer's responsive pleadings to any original process served pursuant to Paragraph 1 after October 16, 2002, shall be due 90 days after the date on which the complaint is served.

3. Bayer AG will commence production of documents on July 1, 2002, and will produce documents on a rolling basis with the target date for the completion of document production of March 31, 2003.

4. Bayer AG will produce privilege logs pursuant to the following schedule:

A. On or before September 16, 2002, Bayer AG will produce privilege logs for all documents produced between July 1 and August 1, 2002;

B. On or before December 16, 2002, Bayer AG will produce privilege logs for all documents produced between August 2 and November 1, 2002;

C. On or before March 17, 2003, Bayer AG will produce privilege logs for all documents produced between November 2, 2002 and February 1, 2003; and

D. On or before June 1, 2003, Bayer AG. will produce privilege logs for all documents produced after February 1, 2003.

5. Any depositions of Bayer AG witnesses shall be conducted after November 1, 2002. Any such depositions will be coordinated with all other pending United States Baycol litigation, state and federal. Any depositions of Bayer AG personnel shall be conducted with a U.S. court reporter (or such other court reporter as

the parties may agree). The parties will confer in an attempt to agree on joint translators prior to each deposition if such deposition is conducted in German on request of the witness.

Dated: June 4, 2002

BY THE COURT

\_\_\_\_\_/s/\_\_\_\_\_  
Michael J. Davis  
United States District Court