

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

IN RE: ORTHO EVRA PRODUCTS
LIABILITY LITIGATION

N.D. Ohio Case No. 1:06-40000

MDL Docket No. 1742

This Document Relates To:

CASE MANAGEMENT ORDER NO. 34

ALL CASES.

The Court conducted a telephonic status conference on March 4, 2009 with lead counsel as well as with counsel identified in CMO 32 as it relates to the classification of pre-label cases.

For those pre-label cases which are currently in negotiation, if not resolved by March 31, 2009, the following expert deadlines, with respect to specific causation, shall apply:

Plaintiffs to identify their experts with reports and serve the same on Defendants on or before June 1, 2009. Defendants to identify their experts, with reports, and serve the same on Plaintiffs on or before August 1, 2009.

For those pre-label cases which are not currently in negotiation, the following expert dates, with regard to specific causation, shall apply:

Plaintiffs to identify their experts, with reports, and serve the same on Defendants on or before May 1, 2009. Defendants to identify their experts, with reports, and serve the same on Plaintiffs on or before July 1, 2009.

The Court directs lead counsel for the respective parties to select six (6) pre-label cases from the group not currently under negotiation for trial on or before May 18, 2009. Counsel to file their strikes by May 27, 2009. The pre-label cases which are ultimately chosen for trial will be subject to the following deadlines:

Motion deadline on or before August 1, 2009, response due by August 14, 2009 and reply by August 21, 2009. To the extent that oral argument is necessary, it will be conducted on August 25, 2009 at 9:00 a.m. in Toledo, Ohio. A trial date of September 15, 2009 will be set with the jury to be impaneled by Magistrate Judge Armstrong on September 14, 2009.

IT IS SO ORDERED.

s/ David A. Katz
DAVID A. KATZ
U. S. DISTRICT JUDGE