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CENTRAL DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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LAWRENCE O'CONNOR, et al.,

Case No. CV 97-1554 DT (RCx)

Plaintiffs,

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION FOR NEW CASE
MANAGEMENT ORDER**

vs.

DATE: August 11, 2003

BOEING NORTH AMERICAN, INC.,

TIME: 10:00 a.m.

et al.,

Defendants.

Courtroom of the Honorable
Dickran Tevrizian

AND RELATED ACTIONS

The Defendants' Motion for New Case Management Order was heard on August 11, 2003. Appearances were as stated in the Transcript of Proceedings. After reviewing the papers submitted in support of and in opposition to the Motion and considering argument of counsel,

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1 IT IS ORDERED that Defendants' Motion for New Case
2 Management Order is granted. The Court, therefore, adopts the
3 following Order:

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CASE MANAGEMENT ORDER NO. 2

6

7 Under Federal Rules of Civil Procedure 1 and 16, and
8 the Federal Judicial Center's Manual on Complex Litigation, the
9 Court finds that this Case Management Order Number Two ("Order")
10 is necessary for the just and efficient resolution of this
11 litigation. This Order supplements Case Management Order Number
12 One entered on September 17, 1998 and the Discovery Plan and
13 Motion and Pretrial Plan entered on April 14, 2003.

14

15 **I. SCOPE**

16 This Order applies to O'Connor v. Boeing North
17 American, Inc., CV 97-1554 ABC ("O'Connor"), and the following
18 Related Cases that have been consolidated with O'Connor for
19 purposes of discovery:

20

- 21 • August v. Boeing North American, Inc., et al., CV 98 7383
DT.
- 22 • Hirschelman v. Boeing North American, Inc., et al., CV 99
1548 DT.
- 23 • Gravel v. Boeing North American, Inc., et al., CV 99 4818
DT.
- 24 • Miller v. Boeing North American, Inc., et al., CV 00 0186
DT.
- 25 • Chimienti v. Boeing North American, Inc., et al., CV 00 1319
DT.
- 26 • Ami v. Boeing North American, Inc., et al., CV 01 0786 DT.

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- 1 • Solomon v. Boeing North American, Inc., et al., CV 01 7791 DT.
- 2 • Waisner v. Boeing North American, Inc. et al., CV 02 2758 DT.
- 3 • Bellis v. Boeing North American, et al., CV 02 5714 DT.
- 4 • Maw v. Boeing North American, Inc. et al., CV 02 9192 DT.

5
6 This Order will also apply to Aldridge v. Boeing North American,
7 Inc., et al., CV 03-3849 FMS, which the Court intends to include
8 as a Related Case, and to any case filed after entry of this
9 Order that becomes related to O'Connor or any Related Case under
10 the Central District of California Local Rules ("Later-Filed
11 Cases"). This Order does not determine whether O'Connor, or any
12 of the Related Cases, or any Later-Filed Cases should or should
13 not be consolidated for trial.

14
15 **II. DISCOVERY**

16 Plaintiffs have had more than six years to conduct
17 discovery regarding defendants' operations and the alleged
18 historical releases of chemicals and/or radiation. Defendants
19 have produced more than 8 million pages of documents in response
20 to over 500 categories of document requests propounded by
21 Plaintiffs. Plaintiffs have also taken, or had opportunity to
22 take, depositions of persons with knowledge of historical
23 operations of the facilities that are at issue in O'Connor and
24 the Related Cases.

1 A. Expert Testimony Regarding Exposure

2 On or before January 12, 2004, Plaintiffs shall file
3 and serve expert witness declarations as to each Plaintiff
4 bringing a personal injury claim, and as to each decedent for
5 which a wrongful death claim is being prosecuted, that
6 identifies: (1) the specific chemical (and/or radionuclide) to
7 which the Plaintiff or decedent was exposed from releases from
8 Defendants' facilities that allegedly caused injury or death; (2)
9 the dates such exposures occurred; (3) the pathways for the
10 exposures; (4) the quantity and quality of the specific toxins
11 that posed an increased risk that allegedly resulted from each
12 exposure(s); and (5) the scientific and/or medical basis for the
13 expert's opinion.

14
15 B. Expert Testimony Regarding Causation

16 On or before January 12, 2004, Plaintiffs shall file
17 and serve expert witness declarations as to each Plaintiff
18 bringing a personal injury claim, and as to each decedent for
19 which a wrongful death claim is being prosecuted, that opine: (1)
20 that the exposure(s) at issue can cause the particular disease or
21 injury at issue for each Plaintiff or decedent; (2) that the
22 particular Plaintiff's illness or decedent's death was legally
23 caused by the exposure at issue; and (3) the scientific and/or
24 medical basis for the expert's opinion.

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C. Later-Filed Cases

Plaintiffs shall file and serve the expert witness declarations described this Section within ninety (90) days after a Complaint is filed in any Later-Filed Case.

III. SCHEDULING CONFERENCE

The parties shall appear at a Scheduling Conference on February 23, 2004 at 10:00 a.m. to discuss Plaintiffs' compliance with this Order, possible Daubert hearings, dispositive motions, and other scheduling issues. The parties shall file a joint Scheduling Conference Statement no later than February 16, 2004.

IV. EXPERT WITNESS DEPOSITIONS

The dates for expert witness discovery contained in this Court's Discovery Plan and Motion and Pretrial Plan entered on April 14, 2003 (specifically that expert witness depositions shall be taken between February 13, 2004 and March 19, 2004, and that the last day to take expert witness depositions is March 19, 2004) are vacated.

V. NON-EXPERT DISCOVERY

The dates for non-expert discovery cutoff and non-expert discovery motion practice contained in this Court's Discovery Plan and Motion and Pretrial Plan entered on April 14, 2003 are extended twenty-five days as follows;

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August 26, 2003: Last day to complete all discovery directed at non-parties.

October 27, 2003: Last day to complete all discovery directed at Plaintiffs, Defendants, or Defendants' former employees.

December 5, 2003: Last day for hearing any discovery-related motions.

VI. SUMMARY JUDGMENT/PRETRIAL CONFERENCE

The dates for summary judgment motions and for Pretrial Conference contained in this Court's Discovery Plan and Motion and Pretrial Plan entered on April 14, 2003 (specifically, February 13, 2004 as last day to file motions for summary judgment; May 10, 2004 as last day for hearing motions for summary judgment; and June 14, 2004 as day for Pretrial and Trial Setting Conference) are vacated.

Dated: August 20, 2003.

DICKRAN TEVRIZIAN

The Honorable Dickran Tevrizian
U.S. District Court Judge