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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

IN RE: CHANTIX

(VARENICLINE) PRODUCTS LIABILITY LITIGATION

Master File No.: 2:09-CV-2039-IPJ

MDL No. 2092

This Order Relates To:

ALL CASES

PRETRIAL ORDER NO. 4C: THIRD AMENDMENT TO PRETRIAL ORDER NO. 4: DISCOVERY PLAN

On February 24, 2010, the Court issued Pretrial Order No. 4: Discovery Plan ("PTO 4"). On April 30, 2010, the Court issued Pretrial Order No. 4A: Amendment to Pretrial Order No. 4: Discovery Plan ("PTO 4A"). On October 5, 2010, the Court issued Pretrial Order No. 4B: Second Amendment to Pretrial Order No. 4: Discovery Plan ("PTO 4B"). Section IV of PTO 4 set forth certain requirements for depositions, and Section V of PTO 4 set forth certain requirements relating to expert discovery.

At the request of the parties, the Court hereby amends and supplements Section IV and Section V of PTO 4 as outlined herein. This order shall not be construed to amend PTO 4 or PTO 4A or PTO 4B in any respect other than as specified in this order.

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IV. <u>DEPOSITIONS</u>.

A. Commencement of Depositions.

- 1. Depositions of common fact witnesses currently or formerly employed by Pfizer, including any depositions conducted pursuant to Federal Rule of Civil Procedure 30(b)(6) (collectively "common Pfizer witnesses"), may commence on May 16, 2011.
- 2. Depositions to be conducted in the pool of initial cases eligible for discovery and trial (hereinafter referred to as "Bellwether Cases") will be governed by the provisions set forth in Pretrial Order No. 9.

V. REVISED SCHEDULE FOR EXPERT DISCOVERY.

K. Revised Schedule for Disclosures and Depositions of Experts.

The following schedule is limited to experts in cases involving suicide, attempted suicide and neuropsychiatric events. The Court will enter a separate Order pertaining to experts for any other category of injury at a later date or upon motion by the parties.

1. <u>General Causation and Liability Experts</u>. Plaintiffs shall disclose general causation and liability experts (as that term is used in Section V. H of PTO 4) in accordance with FRCP 26(a)(2) on or before November 7, 2011. Defendant shall disclose general causation and liability experts in accordance with

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FRCP 26(a)(2) on or before December 5, 2011. Plaintiffs shall designate rebuttal experts on or before December 30, 2011.

Depositions of Plaintiffs' general causation and liability experts may commence on January 16, 2012. Depositions of Defendant's general causation and liability experts may commence after the completion of the depositions of Plaintiffs' general causation and liability experts. All depositions of general causation and liability experts for initial Bellwether Cases shall be completed by March 30, 2012.

2. <u>Specific Causation and Liability Experts.</u> The scheduling and procedures regarding specific causation and liability experts for Bellwether Cases will be governed by the provisions set forth in Pretrial Order No. 9.

L. Revised Schedule for Motion Practice Involving Experts.

The following schedule is limited to experts in cases involving suicide, attempted suicide and neuropsychiatric events. The Court will enter a separate Order pertaining to expert motion practice for cases with any other category of injury at a later date or upon motion by the parties.

1. <u>General Causation and Liability</u>. Any *Daubert* or other motion directed to causation issues of general applicability must be filed by April 30, 2012. Oppositions to such motions must be filed by May 18, 2012, and any reply briefs must be filed by June 1, 2012.

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2. <u>Specific Causation and Liability.</u> The scheduling and procedures regarding any *Daubert* or other motion directed to causation issues of specific applicability, or any other dispositive motions applicable to the initial Bellwether Cases will be governed by the provisions set forth in Pretrial Order No.

DONE and **ORDERED** this the 10th day of March, 2011.

INGE PRYTZ JOHNSON U.S. DISTRICT JUDGE