UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: GADOLINIUM BASED CONTRAST AGENTS PRODUCTS LIABILITY LITIGATION	Case No. 1:08 GD 50000 MDL No. 1909 Honorable Dan Aaron Polster
THIS DOCUMENT APPLIES TO ALL CASES	**CASE MANAGEMENT ORDER NO. 8**

SCHEDULE FOR
CORE DISCOVERY AND CASE SELECTION

1. Selection of Eligible Trial Pool Cases: By November 14, 2008, the PSC and collectively the Defendants shall each designate 10 cases for a total of 20 to undergo case specific discovery and shall notify the Court of their selections ("Eligible Trial Pool cases").

2. Waiver of Personal Jurisdiction and Venue: By November 14, 2008, the parties shall notify the Court whether they waive personal jurisdiction and venue for trial purposes in the Northern District of Ohio separately as to each of their selected 10 Eligible Trial Pool cases. By November 21, 2008, the opposing parties shall notify the Court whether they also waive personal jurisdiction and venue for trial purposes, in cases where the designating party also waived.

3. Product Identification: Following the production of the Plaintiff Fact Sheets, Plaintiffs shall continue to substantiate product ID pursuant to CMO 5 in all pending cases. Plaintiffs who are unable to substantiate the identity of the manufacturer(s) or sponsor(s) of the product(s) administered in a particular case shall have 120 days from receipt of Part I of the Defendant Fact Sheet to identify the manufacturer(s) or sponsor(s) or their case may be subject

to dismissal with prejudice, upon motion of Defendant(s). Nothing in this Order alters the parties' obligations under CMO # 5.

4. Core Case Specific Discovery Definition: Core Case Specific Discovery of Eligible Trial Pool cases may include the depositions of plaintiff, spouse, treating physicians and prescribers, and up to two sales representatives. The parties will exercise good judgment in deposing only those medical personnel likely to possess relevant knowledge pertaining to plaintiffs' claims.

5. Core Case Specific Discovery Deadlines: The parties shall engage in core case specific discovery for the 20 selected Eligible Trial Pool cases between November 14, 2008 and May 4, 2009. Core Case Specific Discovery shall be completed by May 4, 2009.

6. General Expert Discovery Deadlines: By January 23, 2009, Plaintiffs shall submit Rule 26(a)(2) expert reports limited to any generic experts they may call in the initial trial(s). By March 23, 2009, Defendants shall submit Rule 26(a)(2) expert reports limited to any generic experts they may call in the initial trial(s). By May 4, 2009, Plaintiffs and Defendants shall complete depositions of designated generic experts. Depositions of the experts may not begin until all parties have submitted Rule 26(a)(2) reports for all experts they may call in the initial trials.

7. Selection of Trial Cases: By May 4, 2009, the PSC and Defendants collectively shall each strike 5 cases from the opposing parties' 10 Eligible Trial Pool Cases. The remaining 10 cases shall constitute the group of potential trial cases for the parties' and the Court's consideration. The Court will meet with the parties to discuss the trial(s) of the cases thereafter.

8. Dismissals of Eligible Trial Pool Cases: Eligible Trial Pool cases dismissed voluntarily by Plaintiffs shall be made with prejudice. Plaintiffs require leave of Court for a

dismissal without prejudice. Defendants shall retain their 5 strikes if Plaintiffs dismiss cases from Plaintiffs' own selections. Defendants are entitled to an additional strike for each case dismissed by Plaintiffs from Defendants' Eligible Trial Pool selections. If Defendants withdraw one of the cases they designate for the Eligible Trial Pool, Plaintiffs shall retain their 5 strikes.

9. Daubert and Other Dispositive Motion Briefing Schedule and Case Specific Expert Discovery: Deadlines for dispositive motions, briefing schedules and case specific expert discovery shall be covered by a future case management order. Case specific expert discovery will begin after May 4, 2009.

IT IS SO ORDERED.

Dated: September 24, 2008

/s/Dan Aaron Polster
Honorable Dan Aaron Polster
United States District Judge