

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: BAYER HEALTHCARE LLC) Case No. 1:12 MD 2319
AND MERIAL LIMITED FLEA) MDL No. 2310
CONTROL PRODUCTS MARKETING)
AND SALES PRACTICES LITIGATION) Judge Dan Aaron Polster
)
)
) **ORDER**
_____)

THIS DOCUMENT APPLIES TO ALL CASES

The Court held a teleconference with counsel on September 4, 2012 to discuss the proposals for resolving this MDL. As a result of the discussions, the Court issued the following scheduling order.

1. Defendants shall file a summary judgment motion no later than October 3, 2012.
2. If Plaintiffs believe that limited discovery is necessary in order to support its brief in opposition to the summary judgment motion, they may file a motion for discovery no later than October 17, 2012. If such a motion is filed, Defendants may file a brief in opposition to that discovery motion no later than October 24, 2012.
 - a. If the Court denies the discovery motion, Plaintiffs shall have three weeks from the date of the ruling to file a brief in opposition to the summary judgment motion; and Defendants shall have two weeks from that date to file their reply brief.
 - b. If the Court grants the discovery motion, the briefing schedule will be suspended and a new schedule established.
3. If, on the other hand, Plaintiffs do not file a discovery motion, they shall file a brief in opposition to the summary judgment motion no later than November 5, 2012. In that case, Defendants shall file their reply brief no later than November 19, 2012.

IT IS SO ORDERED.

/s/ Dan A. Polster September 14, 2012
Dan Aaron Polster
United States District Judge