

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: GADOLINIUM-BASED  
CONTRAST AGENTS PRODUCTS  
LIABILITY LITIGATION

Case No. 1:08GD50000

MDL No. 1909

Judge Dan Aaron Polster

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This Document Applies to All Cases:

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**CASE MANAGEMENT ORDER NO. 10**  
**SCHEDULE FOR CORE DISCOVERY AND CASE SELECTION**

Pursuant to Section F of CMO 9, the dates and deadlines of CMO 8 are modified as set forth below. For the benefit of the Court and the parties, a chronology of upcoming deadlines contained in both CMO 8, as modified, and CMO 9 follows. The following dates govern this litigation, but the descriptions associated with each are intended for informational purposes only and do not in any way modify the terms of CMO 8 and CMO 9 that apply. Sections of CMO 8 and CMO 9 not addressed below shall continue to apply, as agreed by the parties and entered by the Court.

<u>Date</u>	<u>Description</u>	<u>CMO 8 or 9 Reference</u>
December 15, 2008	Deadline to submit product identification disputes to the Court for inclusion in the list of cases that may be selected as an Eligible Trial Pool Case	CMO 9–Section E
December 19, 2008	Defendants provide Plaintiffs and the PEC a list of cases in which certain defendants should be dismissed	CMO 9–Section H
December 19, 2008	Parties submit the list of cases that can be selected as Eligible Trial Pool Cases	CMO 9–Section G

December 19, 2008	Deadline for plaintiffs to designate cases as being precluded from selection as Early Trial Pool Cases	CMO 9–Section C
January 16, 2009	Deadline to file dismissals without prejudice	CMO 9–Section H
January 19, 2009	Deadline for Plaintiffs not included on the list of Eligible Trial Pool Cases on the basis of lack of NSF diagnosis to produce proof of NSF diagnosis; failure to do so will result in a dismissal without prejudice on defendants’ motion	CMO 9–Section C
January 23, 2009	Selection of Eligible Trial Pool Cases (subject to timely dismissals on or before January 16, 2009)	CMO 9–Section F
January 23, 2009	Parties shall notify the Court whether they waive personal jurisdiction and venue for trial purposes in the cases they selected.	CMO 8–Section 2
January 23, 2009	Core Specific Discovery begins for the 20 selected Eligible Trial Pool cases	CMO 8–Section 5
January 30, 2009	Opposing parties shall notify the Court whether they waive personal jurisdiction and venue for trial purposes in cases where the designating party waived.	CMO 8–Section 2
February 8, 2009	Stay lifted on (non-excepted) case-specific product identification discovery for cases not selected as Eligible Trial Pool Cases	CMO 9–Section J
March 23, 2009	Deadline to identify new scans for the same defendant in an Eligible Trial Pool Case to keep that case automatically as part of the Eligible Trial Pool Cases	CMO 9–Section I
March 31, 2009	Deadline to identify new scans for a different defendant in an Eligible Trial Pool Case to trigger the right to pick a replacement case	CMO 9–Section I

April 23, 2009	Deadline for Plaintiffs to submit Rule 26(a)(2) expert reports	CMO 8–Section 6
May 4, 2009	Deadline to name additional defendants, including defendants previously dismissed, absent a showing of apparent injustice	CMO 9–Section J
June 23, 2009	Deadline for Defendants to submit Rule 26(a)(2) expert reports	CMO 8–Section 6
August 4, 2009	Close of Core Specific Discovery for the 20 selected Eligible Trial Pool cases	CMO 8–Section 5
August 4, 2009	Deadline for Plaintiffs and Defendants to complete depositions of designated generic experts	CMO 8–Section 6
August 4, 2009	PSC and Defendants collectively shall each strike 5 cases from the opposing parties’ 10 Eligible Trial Pool Cases	CMO 8–Section 7
August 4, 2009	Case specific expert discovery shall begin after this date	CMO 8–Section 9

**IT IS SO ORDERED.**

Dated: 12/2/08

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