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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES - SOUTHEAST DISTRICT

IN RE DIET DRUG LITIGATION.)	J.C.C.P. 4032
_____)	Assigned for All Purposes to: Judge Daniel S. Pratt
THIS DOCUMENT RELATES TO:)	[PROPOSED] FIRST AMENDED GENERAL
ALL ACTIONS)	ORDER NO. 10: PRETRIAL DATES
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2 1. The pretrial and trial schedule for the Haroutounian (DD #000147) and Verson (DD
3 #000093) cases (currently set for trial commencing on February 14, 2000) is amended as follows:

	<u>Date</u>	<u>Event</u>
4		
5	a. Dec. 10, 1999	Hearing on defendants' motion to strike plaintiff's
6		deposition designations in <u>Haroutounian</u>
7	b. Dec. 17, 1999	Parties file initial group of in limine motions
8	c. Dec. 17, 1999	Deadline for meet-and-confer re trial procedures,
9		logistics, technology
10	d. Dec. 20, 1999	Plaintiffs' deposition designations
11	e. Dec. 20, 1999	Plaintiffs serve their exhibit lists and witness lists in
12		<u>Verson</u>
13	f. Dec. 30, 2000	Parties file their responses to initial group of in
14		limine motions
15	g. Jan. 7, 2000	Defendants serve their designations of deposition
16		testimony that they intend to offer into evidence at
17		trial, counter-designations to plaintiffs' deposition
18		testimony, and objections to plaintiffs' designations
19	h. Jan. 7, 2000	Defendants serve their exhibit lists, witness lists and
20		objections to plaintiffs' exhibits
21	i. Jan. 10, 2000	Status conference re trial procedures, logistics,
22		courtroom technology
23	j. Jan. 10, 2000	Parties file their reply briefs re initial group of in
24		limine motions
25	k. Jan. 14, 2000	Non-expert discovery cut-off
26	l. Jan. 14, 2000	Plaintiffs serve their objections to defendants'
27		exhibits, and counter-designations and objections to
28		defendants' deposition designations
	m. Jan. 17, 2000	Mandatory mediation to be completed by this date.
		(Plaintiffs' settlement demands due 5 days before
		mediation)
	n. Jan. 17, 2000	Hearing on initial group of in limine motions

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	<u>Date</u>	<u>Event</u>
o.	Jan. 21, 2000	Deadline for meet-and-confer re deposition designations and exhibits
p.	Jan. 24, 2000	Deadline for filing in limine motions and dispositive motions
q.	Feb. 10, 2000	Deadline for completion of parties' efforts to agree upon proposed juror questionnaires and jury instructions
r.	Jan. 28, 2000	Deadline for filings re objections to deposition designations and exhibits
s.	Jan. 31, 2000	Expert discovery cutoff
t.	Jan. 31, 2000	Parties file their proposed juror questionnaires and jury instructions; trial briefs
u.	Jan. 31, 2000	Deadline for responses to in limine motions and dispositive motions
v.	Jan. 31, 2000	Parties file motions to exclude expert testimony
w.	Week of Jan. 31, 2000	Hearings on objections to deposition designations and exhibits
x.	Feb. 4, 2000	Parties file their reply briefs re in limine motions and dispositive motions
y.	Feb. 7, 2000	Parties file their responses to motions to exclude expert testimony
z.	Week of Feb. 7, 2000	Final pretrial conference, including hearings on in limine motions, dispositive motions, juror questionnaire and jury instructions
aa.	Feb. 14, 2000	Hearings on motions to exclude expert testimony
bb.	Feb. 14, 2000	Trial begins

2. The pretrial schedule for all other diet drug cases currently set for trial shall be the same as in paragraph 1, above, adjusted forward by one month for the Visser (DD #000235) and Bowman (DD #000556) cases, by two months for the Butcher (DD #000073), Williams (DD #00136), Anderson (DD #000298), Nicoletto (DD #000351) and Munoz (DD #000248) cases, and

1 by three months for the Burch (DD #000067), Batt (DD#000408), Harris (DD#000347) and Felli
2 (DD#000359) cases. The pretrial schedule for future diet drug cases may be modified by the Court
3 on the basis of the experience in this first group of cases.

4 3. Parties who propose to introduce deposition testimony into evidence at trial via
5 videotape or reading to the jury shall designate only the particular excerpts of the depositions that
6 they actually intend to offer at trial. Prior to designating deposition testimony to be offered at trial,
7 the sponsoring party shall carefully review the transcripts and shall endeavor in good faith to
8 eliminate (i) irrelevant, immaterial or unnecessarily cumulative material, (ii) attorney colloquy and
9 objections, and (iii) any portions of the transcript that the party does not actually intend to play or
10 read to the jury. When the parties meet and confer about their objections to deposition testimony
11 that has been designated by an opposing party, they shall attempt in good faith to eliminate material
12 that is inadmissible under the California Evidence Code, so that the evidentiary issues that will need
13 to be addressed by the Court will be minimized.

14 4. Each party's exhibit list shall be limited to the documents that the party believes in
15 good faith will be used at trial. In addition, each party shall identify with an asterisk the documents,
16 not to exceed [150], that the party believes are the ones it will most likely use at trial. These
17 designations will permit the parties and the Court to focus on those documents with respect to their
18 pretrial objections and pretrial rulings. Parties will not, however, be precluded from using non-
19 asterisked exhibits at trial unless the Court determines that the party has failed to act in good faith
20 under this paragraph. Similarly, each party's witness list shall identify with an asterisk the persons
21 who the party is certain or highly likely to call as live witnesses at trial. The parties shall notify one
22 another at the earliest practicable date if they decide to call a non-asterisked witness at trial or if
23 they decide not to call an asterisked witness.

24 5. The parties shall provide their exhibit lists to all opposing parties on a computer
25 diskette, in Word or WordPerfect format, as well as in hard-copy form. The lists shall include the
26 bates-number(s)/bates-range of each exhibit. If an exhibit list contains documents that have not
27 previously been produced to the opposing parties and/or documents that do not have bates numbers
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1 that can be readily identified by the opposing parties, copies of the documents shall be furnished
2 with the exhibit list.

3 6. In all cases in which trial dates have been set, the parties shall serve all papers
4 required by this order, and all other filings or written communications with the Court, upon all
5 opposing parties by facsimile, messenger or next-day delivery service.

6 7. If a party is delinquent in complying with a deadline prescribed by this Order, then
7 the time of opposing parties to respond to the late filing or service shall be extended for an
8 equivalent amount of time, without the necessity of applying to the Court for an extension of time.
9 This right is without prejudice to the right of a party to apply to this Court for any other relief that
10 may be appropriate in the circumstances.

11 8. In the meet-and-confer session described in paragraph 1(c), above, the parties shall
12 attempt to reach an agreement as to additional pretrial and trial procedures to recommend to the
13 Court, including but not limited to procedures for marking and admission of exhibits, providing
14 exhibit notebooks to the Court, courtroom technology/equipment, jury selection, exchange of
15 demonstrative exhibits, identification of exhibits to be used with particular witnesses, etc. The
16 Court will consider such additional issues at the status conference identified in paragraph 1(i)
17 above.

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19 IT IS SO ORDERED.

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21 Dated: 12-13-99

/s/ Daniel S. Pratt
Judge Daniel Solis Pratt

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