

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In re: VIOXX	*
	*
PRODUCTS LIABILITY LITIGATION	*
	*
This document relates to:	*
	*
EVELYN IRVIN PLUNKETT,	*
as Personal Representative of the	*
Estate of	*
RICHARD IRVIN, JR,	*
	*
Plaintiff,	*
vs.	*
	*
MERCK & CO., INC.,	*
	*
Defendant.	*
	*
CIVIL ACTION NO. 05-4046	*
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PRETRIAL ORDER

This Order establishes a schedule for the trial of the *Plunkett v. Merck* matter to ensure that this case is prepared and tried in this Court in an expeditious manner.

A. **Schedule**

1. **Fact Discovery**

- (a) Exchange lists of fact witnesses - August 31, 2005
- (b) Deadline for fact discovery - September 30, 2005

2. **Expert Discovery**

- (a) Plaintiffs' deadline for identifying experts and submitting reports - September 26, 2005
- (b) Deadline for completion of depositions of plaintiffs'

experts - October 10, 2005

- (c) **Defendants' deadline for identifying experts and submitting reports - October 3, 2005**
- (d) **Deadline for completion of depositions of defendants' experts - October 14, 2005**

3. Daubert Motions

- (a) ***Daubert* motions due - October 21, 2005**
- (b) **Opposition to *Daubert* motions due - November 2, 2005**
- (c) ***Daubert* Reply briefs due - November 9, 2005**
- (d) ***Daubert* hearing - November 14-15, 2005**

4. Dispositive Motions

- (a) **Dispositive motions due - October 21, 2005**
- (b) **Opposition to dispositive motions due - November 4, 2005**
- (c) **Reply briefs due - November 11, 2005**
- (d) **Hearing on dispositive motions - November 18, 2005**

5. Motions *in Limine*

- (a) ***Motions in Limine* due - November 4, 2005**
- (b) **Responses to Motions - November 11, 2005**
- (c) **Reply briefs due - November 18, 2005**

6. Exhibits and Witness Lists

- (a) **Plaintiffs' Exhibit and Witness Lists - October 24, 2005**
- (b) **Defendants' Exhibit and Witness Lists - October 28, 2005**
- (c) **Deposition Testimony Designations -October 31, 2005**
- (d) **Objections to Exhibits and Deposition Designations - November 11, 2005**

7. Status Conference: September 30, 2005, at 9:00 a.m.

8. Pre-trial Conference - November 21, 2005, at 1:30 p.m.

9. Trial Date: November 28, 2005, two week jury trial commencing at 8:30 a.m. Counsel should arrive in chambers at 8:00 a.m.

Houston, Texas, this 30 day of September, 2005.

ELDON E. FALLON
UNITED STATES DISTRICT JUDGE