

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re: WELDING FUME PRODUCTS
LIABILITY LITIGATION

This Document Relates to:

*Eddie Byers v. Lincoln Electric Company et al., Case No. 1:04 cv
17033*

Case No. 1:03-CV-17000

MDL Docket No. 1535

JUDGE KATHLEEN O'MALLEY

CASE MANAGEMENT ORDER

IT IS HEREBY ORDERED that the following schedule shall apply to the preparation and trial of the above mentioned case:

1. Plaintiffs shall file an Amended Complaint, reinstating claims against previously dismissed peripheral defendants, on or before May 27, 2008. Prior to, or contemporaneously with, that filing, Plaintiffs shall file an application to the Court with notice to all defendants, including the Peripheral Defendant(s) to be joined, that comports with the Peripheral Defendant Order (D.C. Docket No. 1824). Plaintiffs must otherwise seek leave of Court.

2. Plaintiffs may serve up to 75 case specific interrogatories (including subparts) on each Defendant. Additional interrogatories shall not be permitted except with leave of the Court for good cause shown.

3. Defendants shall serve responses to Plaintiffs' written discovery requests within the time provided by the Federal Rules of Civil Procedure.

4. The parties agree to provide any documents obtained from third parties through a release executed by Plaintiffs within three business days of receipt.

5. The parties shall exchange lists of known fact witnesses to include name, address and a brief description of facts known on or before June 19, 2008.

6. Plaintiffs shall disclose the case-specific and core experts expected to testify in these cases pursuant to Rule 26(a)(2)(A) on or before June 2, 2008, and shall provide Rule 26(a)(2) reports for such experts expected to testify on or before June 30, 2008.

7. Defendants shall disclose case-specific and core experts expected to testify in these cases pursuant to Rule 26(a)(2)(A) on or before July 14, 2008, and shall provide Rule 26(a)(2) reports for such experts expected to testify on or before August 11, 2008.

8. To the extent either party intends to rely upon a core expert who does not provide case-specific opinions, the opposing party shall be permitted to re-depose that expert only if the expert has submitted a supplemental report with new core opinions or has reviewed additional materials in support of his or her existing core opinions. Any such deposition will be limited in scope to the expert's new core opinions and/or the additional materials reviewed by the expert. If a core expert intends to offer (i) opinions with respect to a specific named defendant or (ii) opinions concerning or evaluations of specific documents that the expert has not previously offered in a report or deposition testimony, the expert shall disclose such opinions or evaluations in a supplemental report and be subject to deposition on such supplemental opinions. The parties shall agree on the length of any such deposition depending on the new material to be covered, and, if they are unable to reach agreement, shall address any disputes with the Special Master prior to the deposition.

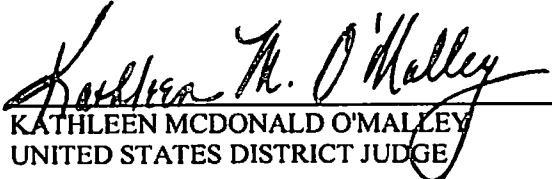
9. All fact discovery in this case shall be completed by September 1, 2008.

10. On or before September 8, 2008, the parties shall file their dispositive motions and any *Daubert* motions regarding case-specific experts.

11. Oppositions to any dispositive motions and any *Daubert* motions will be due on September 18, 2008 or within 10 days of the filing of any such motion (whichever is earlier).

12. Reply briefs to any dispositive motions and any *Daubert* motions will be due on September 25, 2008 or within 7 days of the filing of any opposition (whichever is earlier).
13. The parties shall file *motions in limine* by September 15, 2008.
14. The parties shall file oppositions to *motions in limine* by September 22, 2008.
15. With respect to motions filed by any party that are similar in any way to motions previously ruled upon by this Court in any case on MDL Docket No. 1535, the moving party shall disclose to the Court and all parties, on the face of the motion, any and all previous rulings by this Court on said similar motions. The moving party shall make such a disclosure by identifying the Court's previous rulings by reference to orders on this Court's docket, or if there is no written order by this Court, by page and line of a transcript. This provision of the CMO is necessary for judicial efficiency and economy, and does not limit any party's right to file any motion.
16. The parties shall exchange exhibit and witness lists and deposition designations by September 22, 2008.
17. Objections and Responses to any exhibit and witness lists and deposition designations will be due by September 29, 2008.
18. The Court shall conduct a hearing on any dispositive motion, *Daubert* motions, or other pretrial motions filed as to case-specific experts on October 21st and October 22, 2008.
19. The trial for the above mentioned cases shall commence on November 3, 2008.

IT IS SO ORDERED.


KATHLEEN MCDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE