

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
AT LEXINGTON

**IN RE: ONGLYZA
(SAXAGLIPTIN) AND
KOMBIGLYZE XR
(SAXAGLIPTIN AND
METFORMIN) PRODUCTS
LIABILITY LITIGATION**

Master File No. 5:18-md-2809-KKC

MDL Docket No. 2809

ALL CASES

**CASE MANAGEMENT ORDER NO. 4
REVISED GENERAL CAUSATION DISCOVERY DEADLINES AND
REFERRAL OF DISCOVERY DISPUTES TO MAGISTRATE JUDGE**

*** **

The parties have submitted proposed extensions (DE 324-2, 325-1 in 5:18-md-2809) of the deadlines for discovery pertaining to general causation established by Case Management Order No. 3 (DE 206 in 5:18-md-2809). The Court hereby ORDERS that the General Causation Discovery Deadlines set forth beginning on page 4 of Case Management Order No. 3 are REVISED as follows:

- 1) Fact discovery relating to the issue of general causation must conclude by **November 8, 2019;**
- 2) Plaintiffs must serve expert reports relating to the issue of general causation by **November 26, 2019;**
- 3) Defendants must serve expert reports relating to the issue of general causation by **December 17, 2019;**
- 4) Plaintiffs must serve rebuttal expert reports by **January 17, 2020;**
- 5) Depositions of expert witnesses on the issue of general causation must be completed by **February 28, 2020;**

- 6) Any *Daubert* motions challenging expert witness testimony on the issue of general causation must be filed by **March 19, 2020**. Any responses to such motions must be filed by **April 16, 2020**. Any replies must be filed by **April 30, 2020**.
- 7) Hearings on any *Daubert* motions currently scheduled for January 21-23, 2020 are RESCHEDULED to take place the week of **June 15, 2020**.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. §636(b)(1)(A), this matter is **REFERRED** to Magistrate Judge Matthew Stinnett for purposes of resolving all discovery disputes. The parties must first attempt to resolve such disputes themselves. If the parties are unable to resolve the dispute themselves, they must attempt to resolve the dispute with the magistrate judge by telephone.

If after the telephone conference with the magistrate judge, the dispute is not resolved, *i.e.*, the party seeking discovery is still unsatisfied with the magistrate judge's oral or written ruling from the telephone conference, that party may file a written motion to compel containing appropriate factual and legal arguments directed to the magistrate judge. Likewise, if after the telephone conference, the party resisting discovery is unsatisfied with the magistrate judge's oral or written ruling, then that party may require the other party to file a formal motion to compel containing appropriate factual and legal arguments directed to the magistrate judge. The time period for filing the motion to compel and the response and any reply shall be set by the magistrate judge in his discretion.

Any party wishing to object to the magistrate judge's ruling must file objections with the court within fourteen (14) days of the magistrate judge's ruling pursuant to

Fed.R.Civ.P. 72(a). Only after all the above steps have been completed will the court entertain a motion to review the magistrate judge's final decision to determine whether it is clearly erroneous or contrary to law.

Dated July 30, 2019



Karen K. Caldwell

KAREN K. CALDWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY