

THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
PHILADELPHIA COURT OF COMMON PLEAS
TRIAL DIVISION – CIVIL

IN RE: ROUNDUP® PRODUCTS
LIABILITY LITIGATION

This Document Relates to All Actions

MAY TERM 2022
NO. 00550

ORDER-In Re: Roundup Products Litigation



22050055000035

CASE MANAGEMENT ORDER NO: 6

(Scheduling the First Round of Trial Cases and Governing Pretrial Deadlines)

This Case Management Order No. 6, entered this 6th day of February 2023 governs the scheduling of the first round of trials and pretrial deadlines for cases in the above captioned coordinated litigation.

I. CASES TO BE SCHEDULED FOR TRIAL

A. The initial cases to be prepared to proceed to trial in this consolidated litigation are set forth in Exhibit A. If any of the six Trial Cases listed in Exhibit A are dismissed for any reason, including settlement, the corresponding Backup Case listed in Exhibit A will then become the Trial Case. In the event that a Trial Case and its backup are dismissed for any reason, including settlement, the next listed Trial Case will move into that trial setting and the same backup procedure will apply.

B. Jury selection for the first case to be tried in this program will begin on October 5, 2023.

C. Jury selection for the second case to be tried in this program will begin on November 2, 2023.

D. The trial dates for the remaining 10 cases listed in Exhibit A shall be set in future orders.

E. All 12 of the cases listed in Exhibit A to this order will have identical deadlines, except for the trial dates, as set forth in Section II of this order. Modifications to scheduling CMOs may be made only with approval by the Court after a letter motion setting forth good cause for the requested extension. However, once scheduled, no request for continuances of the trial dates will be granted absent extraordinary circumstances. There will be a total of 12 cases that are trial ready as of October 5, 2023.

F. Cases in Exhibit A that are not dismissed or tried pursuant to Section I above will proceed to trial in the order in which they appear in Exhibit A.

G. After CMO 5 and 6 are entered, there will be no substitution of the cases listed in Exhibit A, absent agreement of the parties and approval by the Court after a showing of exceptional circumstances.

II. PRETRIAL DEADLINES

The following deadlines will apply to all Trial Cases and Backup Cases listed in Exhibit A:

1. Deadline for Fact Discovery – April 4, 2023
2. Deadline for Plaintiff's Expert Reports – April 21, 2023
3. Deadline for Defendants' Expert Reports – May 19, 2023
4. Deadline for Dispositive Motions and Frye Motions – June 16, 2023
5. Deadline for Oppositions to Dispositive Motions and Frye Motions – July 14, 2023
6. Deadline for Replies in Support of Dispositive Motions and Frye Motions – July 21, 2023
7. Deadline for Pretrial Memoranda – July 21, 2023
8. Deadline for Witness List, Exhibit List, and Deposition Designations – August 11, 2023
9. Deadline for Objections to Witness List and Exhibit List and Deposition Counter-Designations – August 25, 2023
10. Deadline for Motions in Limine – September 8, 2023
11. Deadline for Oppositions to Motions in Limine – September 22, 2023
12. Deadline for July Instructions, Verdict Form, and Voir Dire – September 22, 2023

Nothing in this order shall limit the right of any party to petition the Court for further expert discovery pursuant to Rule 4003.5(a)(2) and upon cause shown.

III. FUTURE SCHEDULING

A. The scheduling of trials for cases not covered by this order will be covered by future orders.

BY THE COURT:

Asse F. R. J.

Exhibit A

Trial Cases

1. Kline & Specter, P. C.
Caranci
210602213
2. Williams Hart & Boundas, LLP
Brought
210900079
3. Arnold & Itkin LLP
Fequa
220100334
4. Tracey Fox King & Walters
Irvine
220102488
5. Clark, Love & Hutson, PLLC
Kline
220201641
6. Kirkendall Dwyer LLP
Young*
220602423

- 5A. Clark, Love & Hutson, PLLC
Womack
220201642
- 6A. Kirkendall Dwyer LLP
Pepperday
220602425

Backup Cases

- 1A. Kline & Specter, P.C.
Purnell
210602347
- 2A. Williams Hart & Boundas, LLP
Cole
210900081
- 3A. Arnold & Itkin LLP
Mckivision
220100337
- 4A. Tracey Fox King & Walters
Stoffer**
220102498

*The Young and Pepperday cases have been moved into the trial and backup slots for the Kirkendall lawfirm because of the following:

- 1) The Kirkendall firm's first filed case, Zelanko, involves a plaintiff who has become too ill with his cancer at present to meaningfully participate in discovery as he is unable to complete a fact sheet or attend a deposition. Plaintiff's counsel will obtain an appropriate note from Plaintiff's treating physician.
- 2) The second filed case of the Kirkendall lawfirm, Stuby, has been voluntarily dismissed by the plaintiff and is no longer being represented by the Kirkendall firm.
- 3) The third filed case of the Kirkendall firm, Downey, has also become too ill from his cancer to assist with discovery. Plaintiffs will also obtain an appropriate note from his treating physician.

**The Stoffer case has been moved into this slot as the backup case for the Tracey firm as the second and third cases filed by the Tracey firm, Federovitch and Swenson cases have both had motions to withdraw filed by the Tracey firm.