

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

**IN RE: EpiPen (Epinephrine
Injection, USP) Marketing,
Sales Practices and Antitrust
Litigation**

MDL No: 2785

Case No. 17-md-2785-DDC-TJJ

**(This Document Applies to
Consumer Class Cases)**

ORDER ADOPTING SCHEDULING ORDER NO. 15 (AMENDED TRIAL ORDER)

This Order adopts Scheduling Order No. 15. And, it amends the Trial Order (Doc. 2316) issued on January 28, 2021.

On July 6, 2021, the court granted the Mylan Defendants' request—to which plaintiffs consented—to continue the trial to January 24, 2022. *See* Doc. 2387. The court then ordered plaintiffs and the Mylan Defendants to meet and confer about revising the pre-trial deadlines established by the court's initial Trial Order (Doc. 2316) in light of the continuance of the jury trial to January 24, 2022. *See* Doc. 2399. Plaintiffs and the Mylan defendants complied with that directive and submitted to the court a Joint Report Regarding Revised Pretrial Deadlines. Doc. 2411. The court has reviewed the proposed submission, and it finds the proposals reasonable. Thus, the court adopts the proposed deadlines from the parties' Joint Report. And thus, the court enters the following revised schedule to reset other pretrial deadlines consistent with the rescheduled trial setting on January 24, 2022. The following deadlines supersede any deadlines previously established by the Trial Order (Doc. 2316).

<u>Event</u>	<u>Deadline</u>
Parties Agree on Any Authenticity or Admissibility Stipulations	Wednesday, September 22, 2021
Exchange Revised Witness Lists	Friday, September 24, 2021
Exchange Revised Deposition Designations	Friday, October 1, 2021
Updated Damage Expert Opinion	Friday, October 1, 2021
Exchange Revised Exhibit Lists	Friday, October 8, 2021
Revised Exhibits Marked and Exchanged	Friday, October 8, 2021
Exchange Revised Objections to Final Witness Lists	Friday, October 8, 2021
Exchange Revised Objections to Deposition Designations	Friday, October 15, 2021
Exchange Revised Deposition Counter-Designations	Friday, October 15, 2021
Exchange Revised Objections to Final Exhibit Lists	Friday, October 22, 2021
Objections to Deposition Counter-Designations	Friday, October 22, 2021
Complete Deposition Designation Meet & Confer to Discuss Remaining Objections	Friday, November 12, 2021
Offering Party to Provide Court with Each Deposition Transcript at Issue (via Objections)	Wednesday, November 17, 2021
Submit to the court clean copies of exhibit lists, witness lists, and corresponding objections consistent with exchanged documents	Friday, December 3, 2021
Motion in Limine Omnibus Opening Briefs (limited to 30 pages each)	Monday, December 6, 2021

Plaintiffs' Jury Instructions to Defendants	Monday, December 6, 2021
Motion in Limine Response Briefs ¹ (limited to 30 pages each)	Monday, December 20, 2021
Defendants Respond to Plaintiffs' Jury Instructions	Wednesday, December 29, 2021
Final Pretrial and Limine Conference	Monday, January 10, 2022, at 9:00 am
Submit Exhibits to Court (Scheduling Order No. 14 (Doc. 2346))	Friday, January 14, 2022
Submit Agreed Voir Dire Questions for the court to ask at trial, plus any not agreed to	Friday, January 14, 2022
Joint Jury Instructions with Alternative Instructions	Wednesday, January 19, 2022
Trial	Monday, January 24, 2022, at 9:00 am

As noted above, the court limits briefing to the motions in limine as follows: (1) plaintiffs and all defendants are limited to filing one comprehensive motion in limine per side; (2) plaintiffs' and all defendants' Opening Briefs must not exceed 30 pages each, and (3) plaintiffs' and all defendants' Responses must not exceed 30 pages each. The court will not allow Replies on the issues raised by the motions in limine. The court will hold a limine conference on **January 10, 2022, at 9:00 am.**

IT IS SO ORDERED.

Dated this 23rd day of August, 2021, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge

¹ The court will not allow any replies to the motions in limine.