

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

**IN RE: HILL'S PET NUTRITION, INC.,
DOG FOOD PRODUCTS LIABILITY
LITIGATION**

(This Document Relates to All Cases)

MDL No. 2887

Case No. 19-md-2887-JAR-TJJ

SCHEDULING ORDER NO. 1

On August 19, 2019, in accordance with Fed. R. Civ. P. 16, Chief United States District Judge Julie A. Robinson and United States Magistrate Judge Teresa J. James conducted a scheduling conference in this case. Consistent with the Court's July 31, 2019 Order Appointing Counsel in this multidistrict litigation ("MDL"), Plaintiffs appeared through Co-Lead and Interim Class Counsel Rachel E. Schwartz,¹ Gary E. Mason, Michael R. Reese, and Scott A. Kamber. Defendants appeared through Lead Counsel Richard B. Goetz and Liaison Counsel Thomas P. Schult. Jennifer B. Wieland also appeared on behalf of Defendants.

The parties report that they have chosen a mediator and scheduled mediation for October 29, 2019. After considering the parties' August 12, 2019 Joint Status Report² and the statements of counsel during the conference, the Court enters this Scheduling Order No. 1, summarized in the table that follows, which focuses on ensuring that the parties are prepared for an early mediation.

¹ Ms. Schwartz also serves as Plaintiffs' Liaison Counsel.

² Doc. 29.

MDL No. 2887 <i>In re: Hill's Pet Nutrition, Inc., Dog Food Products Liability Litigation</i> Summary of Deadlines and Settings	
Event	Deadline/Setting
Parties to submit to the Court a joint proposed ESI Order or competing proposals for an ESI Order	September 16, 2019
Parties to submit to the Court a joint proposed Preservation Order or competing proposals for a Preservation Order	September 16, 2019
Parties to file a joint status report regarding the need for the September 26, 2019 status conference and topics for discussion	September 23, 2019
Status conference	September 26, 2019 9:00 a.m.
Plaintiffs to provide draft Consolidated Complaint(s) to Defendants	October 4, 2019
Parties to file a joint status report regarding mediation and further proposed scheduling order dates, as applicable	November 8, 2019

The parties have already submitted, and the Court has entered, an agreed Protective Order.³ If the parties agree concerning the scope and form of (1) a protocol for discovery of electronically stored information (“ESI”), and (2) a document preservation order, they shall jointly submit proposed orders by September 16, 2019.⁴ If the parties disagree concerning the

³ Doc. 32.

⁴ As discussed at the August 19, 2019 scheduling conference, the Court urges the parties to endeavor to submit their proposed ESI and preservation orders by the end of August, or as soon thereafter as possible.

scope or terms of either order, counsel shall submit their respective proposed orders, indicating areas of disagreement by redline and accompanied by separate supporting briefs limited to five (5) pages setting forth their respective positions, by September 16, 2019. The submissions shall be made by email to ksd_james_chambers@ksd.uscourts.gov.

In the joint status report to be filed by September 23, 2019, the parties are to indicate whether the status conference set for September 26, 2019 is necessary and, if so, topics for discussion. Additionally, if the parties agree that a conference is necessary but that a telephonic conference would be appropriate, they may jointly request leave to appear by telephone in their status report.

This Scheduling Order No. 1 will not be modified except by leave of Court upon a showing of good cause.

IT IS SO ORDERED.

Dated: August 19, 2019

S/ Julie A. Robinson
JULIE A. ROBINSON
CHIEF UNITED STATES DISTRICT JUDGE

S/ Teresa J. James
Teresa J. James
UNITED STATES MAGISTRATE JUDGE