

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PAUL M. CULLINAN, ET AL)
)
) CIVIL ACTION NO. 85-0378-F
)
MONSANTO COMPANY, ET AL)

PRETRIAL SCHEDULING ORDER

September 21, 1988

PONSOR, U.S.M.

Counsel for all parties appeared before this court on September 16, 1988. Based upon counsel's representations, the court makes the following scheduling order:

A. Proceedings on General Causal Link.

1. On or before November 18, 1988, plaintiffs will serve upon all defendants answers to outstanding expert interrogatories, regarding potential expert evidence on the question: "Is vinyl chloride or polyvinyl chloride a competent producing cause of malignant lymphoma in human beings?"

2. After receipt of the answers described above, defendants will carefully consider whether the facts viewed in the light most favorable to the plaintiffs justify filing a motion for summary judgment. If an affirmative decision is made, the motion for summary judgment by the defendants will be filed on or before December 30, 1988. Plaintiffs' opposition will be filed on or before February 10, 1989.

3. Defendants' reply may be filed on or before February 20, 1989 and plaintiffs' reply on or before March 1, 1989. Assuming the motion for summary judgment is filed, the court will establish a prompt date for hearing.

UCC 082352

B. Pending Motions.

1. The motion of the defendant Dow Chemical Co. ("Dow") to compel answers to expert interrogatories (Docket No. 88) is hereby DENIED, on the ground that this order will establish a schedule for completion of all expert discovery.

2. The motion of defendant Dow to compel comprehensible and non-evasive answers to interrogatories (Docket No. 89) is hereby ALLOWED. A set of answers to interrogatories, not incorporating other responses, will be served within thirty (30) days of this order.

3. The motion of defendant B. F. Goodrich Co. ("Goodrich") to compel answers to interrogatories (Docket No. 92) is now under advisement and will receive a ruling in a separate memorandum.

C. General Discovery.

1. Plaintiffs will serve a response to defendant Dow's outstanding request for production on or before October 7, 1988. Upon receiving the response, defendant Dow may, if appropriate, after consultation pursuant to the Local Rules, file a motion to compel on or before November 18, 1988. This motion, if filed, will be opposed within fourteen (14) days of service by the plaintiffs and will thereafter be ruled on by the court without oral argument.

2. Plaintiffs' motion to compel answers to outstanding interrogatories and responses to outstanding requests for production will be filed on or before November 18, 1988. Consultation as required by the Local Rules must take place prior to filing of the motion and be certified along with the motion. Opposition will be filed within fourteen (14) days thereafter. Again, the court will rule on the motion, on the papers without oral argument.

3. With regard to all motions to compel, supporting memoranda will be filed with the motions and memoranda supporting the opposition will be filed along with the opposition.

4. All depositions, with the exception of expert depositions, will be completed and all non-expert discovery in this matter will close on June 30, 1989.

D. Expert Discovery.

1. On or before September 8, 1989 plaintiffs will fully supplement their answers to the expert interrogatories of all defendants, setting forth with regard to all experts whom they intend to call on any issue at trial complete answers. On or before November 17, 1989 defendants will do the same with regard to all their experts.

2. The court will permit depositions of experts. These depositions will be completed on or before February 16, 1990.

E. Warning.

The timelines set forth in this scheduling order are generous to an unprecedented degree, in recognition of the unusually complex nature of this case. Given these extended timelines, the case will be nearly four and a half years old by the time discovery is completed. For these reasons, no extension of the timelines set forth in this scheduling order will be permitted absent a showing of unforeseeable catastrophe.

It is So Ordered.


MICHAEL A. PONSOR
U. S. Magistrate

UCC 082354

D. Expert Discovery.

1. On or before September 8, 1989 plaintiffs will fully supplement their answers to the expert interrogatories of all defendants, setting forth with regard to all experts whom they intend to call on any issue at trial complete answers. On or before November 17, 1989 defendants will do the same with regard to all their experts.

2. The court will permit depositions of experts. These depositions will be completed on or before February 16, 1990.

E. Warning.

The timelines set forth in this scheduling order are generous to an unprecedented degree, in recognition of the unusually complex nature of this case. Given these extended timelines, the case will be nearly four and a half years old by the time discovery is completed. For these reasons, no extension of the timelines set forth in this scheduling order will be permitted absent a showing of unforeseeable catastrophe.

It is So Ordered.


MICHAEL A. PONSOR
U. S. Magistrate

UCC 082355