

FILED

APR - 5 2018

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS,
STATE OF MISSOURI

22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY _____ DEPUTY

RONALD PETERSON and JEFF HALL,)
)
Plaintiffs,)
)
v.)
)
MONSANTO COMPANY; OSBORN &)
BARR COMMUNICATIONS, INC.; and)
OSBORN & BARR HOLDINGS, INC.,)
)
Defendants.)
)
_____)

Case No. 1622-CC01071
Division 1
JURY TRIAL DEMANDED

SECOND AMENDED CASE MANAGEMENT ORDER
(Amended Case Management Plan and Scheduling Order)

This Order shall govern pretrial scheduling and discovery in this matter and supersedes and amends the Amended Case Management Order entered on September 25, 2017.

A. General Discovery:

1. The parties agree that discovery in *In re: Roundup Prods. Liab. Litig.*, MDL No. 2741, the multidistrict litigation proceeding in the Northern District of California (“the RU MDL”), may be used in this action as if it were conducted in this action, including all expert depositions and document production but neither party waives their right to conduct any discovery permitted under the rules of this Court, except as otherwise specified by this Order or other Orders of the Court. The confidentiality of any such documents or depositions shall be controlled by the protective order entered in this action.

2. The parties agree that any fact witness (as distinguished from retained and non-retained experts) previously deposed in any Roundup® case filed anywhere in the United States may not be re-deposed. An additional deposition of a previously-deposed fact witness will only be permitted as to testimony that is specific to the claims of the particular plaintiff(s) seeking the

deposition, and not as to any testimony that addresses litigation-wide issues. If either party seeks to depose a fact witness previously deposed in any other Roundup® case, the seeking party shall provide the basis for the new deposition, and the parties shall meet and confer regarding scope and necessity. If after meeting and conferring, the parties cannot reach agreement, the party seeking the deposition shall file a motion with the Court.

B. Expert Discovery:

1. All retained expert witnesses must provide a list of materials relied upon or considered in formulating their opinion at least ten (10) days prior to their scheduled depositions. For any publicly available documents or documents produced in this litigation, the party may identify the document either by name (if publicly available) or Bates number (if previously produced). Any non-publicly available documents that have not been previously produced shall be produced as part of the disclosure of materials relied upon.

2. The Missouri Rules of Civil Procedure shall govern all expert witness depositions in this case, including any depositions scheduled outside the State of Missouri or in any foreign nation.

3. Parties may serve a Notice of Deposition (which shall be filed in the above-captioned lawsuit) in lieu of subpoenas to schedule testimony and compel documents from any retained expert witness. The Notice of Deposition shall apply with equal force to expert witnesses located outside the State of Missouri or in any foreign nation.

C. Discovery and Trial Selection Schedule:

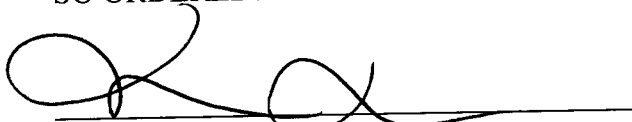
<u>Date</u>	<u>Activity</u>
October 31, 2017	Plaintiffs Peterson and Hall to present completed Plaintiff Fact Sheets (agreed to by the parties) and executed medical authorizations.

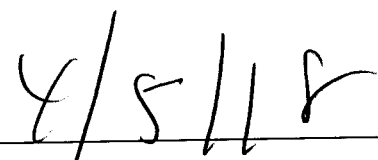
<u>Date</u>	<u>Activity</u>
	If a completed PFS is not received for any plaintiff by October 31, 2017, Monsanto may send a warning letter, stating that the subject plaintiff is subject to dismissal per court order. A plaintiff shall have 30 days from service of the warning letter to provide a completed PFS. If a completed PFS is not received in the 30 days, Monsanto can seek a show cause order as to why the case should not be dismissed. A plaintiff has 14 days to respond.
January 15, 2018	Plaintiffs Peterson and Hall made available for deposition
March 1, 2018	Plaintiffs choose the first plaintiff for trial. Plaintiffs shall designate all retained and non-retained experts that may be called (regardless of whether any such witness has been previously disclosed or deposed in any other Roundup [®] case or litigation). At the time of disclosure, Plaintiffs will provide three non-consecutive available dates for the deposition of each expert.
June 18, 2018	Depositions of Plaintiffs' retained and non-retained experts shall be completed.
July 2, 2018	Defendants shall designate all retained and non-retained experts that may be called (regardless of whether any such witness has been previously disclosed or deposed in any other Roundup [®] case or litigation). At the time of disclosure, Defendants will provide three non-consecutive available dates for deposition of each expert.
September 3, 2018	Depositions of Defendant's retained and non-retained experts to be completed.
September 10, 2018	Plaintiffs shall name rebuttal experts. At the time of disclosure, the disclosing party will provide three non-consecutive available dates for experts to be deposed. Defendants have objected to the Plaintiffs naming any rebuttal experts and the Court has not ruled whether rebuttal experts will be permitted to testify at trial. If plaintiffs identify rebuttal experts, Defendant reserves the right to renew its objection to allowing such expert(s). If the Court permits such experts, the depositions of Plaintiffs' rebuttal experts shall be completed by October 8, 2018.

<u>Date</u>	<u>Activity</u>
October 9, 2018	All discovery shall be completed as to the first trial plaintiff.
October 15, 2018	All dispositive motions (summary judgment, expert challenges, etc.) in the first trial to be filed no later than this date. The briefing schedule for summary judgment motions shall be governed by Supreme Court Rule 74.04. For all other dispositive motions, the same briefing schedule shall be followed. There will be no sur-reply briefs without leave of court.
December 12-16, 2018	Hearing on dispositive motions (summary judgment and expert challenges) in the first trial.
January 10-14, 2019	Upon assignment of this case to a trial division, the trial court shall set appropriate deadlines for motions <i>in limine</i> , final witness and exhibit lists, a pre-trial conference, and any other necessary filings or hearings.
February 5, 2019	Trial of first trial plaintiff.

This schedule may be modified by written consent of the parties or by order of the Court upon good cause shown.

SO ORDERED:


 Hon. Michael K. Mullen


 Date