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BRIAN R. MARTINO
J.S.C

DEBORAH MITCHELL MACDONALD and KENNETH MACDONALD, Plaintiffs, v. DEPUY ORTHOPAEDICS, INC. and JOHNSON & JOHNSON, Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY DOCKET NUMBER: BER-L-1856-12 CIVIL ACTION IN RE DEPUY ASR™ HIP IMPLANTS LITIGATION CASE. NO. 293 **PRE-TRIAL ORDER**

I. SCHEDULING

This action has been set for specially set for jury trial on the calendar beginning **Monday, October 21, 2013** at **9:00 a.m.,** before the Honorable Brian R. Martinotti, J.S.C. at the Bergen County Justice Center, 10 Main Street, Hackensack, NJ 07601.

II. PRETRIAL PROCEDURE

A. EXHIBITS. The parties shall serve a list of trial exhibits (except demonstrative aids), including a description of each document or other exhibit, document production number (if applicable), and an electronic copy of the exhibits, as follows:

Deadline	Description
8/9/2013	Plaintiffs shall serve trial exhibit list.
9/9/2013	Defendants shall serve trial exhibit list

B. CASE SPECIFIC FACT WITNESSES. The parties shall identify the names and addresses of all the case-specific fact witnesses, as follows:

Deadline	Description
7/31/2013	Plaintiffs shall serve a list of fact witnesses and treating physicians, including, without limitation, separate identification of those witnesses they expect to present at trial and those the parties may call if the need arises, as well as those witnesses the parties expect to present by deposition and those witnesses plaintiff expects to call live at trial.
8/31/2013	Defendants shall serve a list of fact witnesses and treating physicians, including, without limitation, separate identification of those witnesses they expect to present at trial and those the parties may call if the need arises, as well as those witnesses the parties expect to present by deposition and those witnesses plaintiff expects to call live at trial

C. PRE-TRIAL CONFERENCE. The pre-trial conference is specially set for **October 8, 2013, at 10:00am.**

D. MOTIONS. By agreement of the parties, motions to dismiss and for summary judgment, motions *in limine,* motions directed to expert testimony, including Kemp motions, shall be served on the following schedule and shall be heard in advance of trial on dates specially set by the Court, as follows:

Deadline	Description
9/13/13	All discovery to be completed.
9/17/13	Parties to file all motions to dismiss and for summary judgment, motions *in limine* and motions directed to expert testimony, including Kemp motions (and supporting materials).
9/27/13	Parties to file oppositions to motions to dismiss and for summary judgment, motions *in limine* and motions directed to expert testimony, including Kemp motions (and supporting materials).

10/1/13	Parties to file replies in further support of motions to dismiss and for summary judgment, motions *in limine* and motions directed to expert testimony, including Kemp motions (and supporting materials).
10/8/13 at 1pm 10/9/13 at 8am 10/10/13 at 8am	Oral Arguments (as necessary).
10/21/13	Trial

E. PREMARKING EXHIBITS. Prior to trial, each party shall meet with and assist the clerk in marking for identification all exhibits, as directed by the clerk, on or about the date indicated in paragraph G.

F. DEPOSITION DESIGNATIONS AND HEARINGS. Each party shall serve his, her, or its designation of depositions, or portions of depositions, each intends to offer as testimony in his, her or its case in chief, as follows:

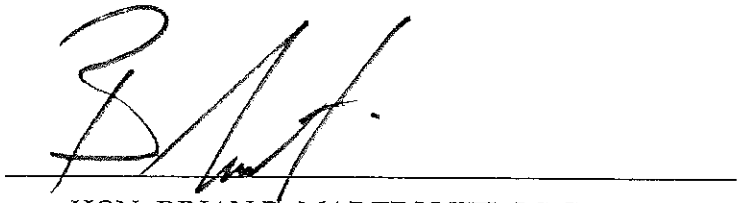
Deadline	**Description**
8/16/13 – 9/20/13	Plaintiffs shall start to serve page/line designations of deposition testimony on 8/16/2013 on a weekly basis beginning on 8/16/2013 and completing the process by 9/20/2013.
9/6/13 – 10/11/13	Defendants shall serve any page/line counter designations of deposition testimony, objections to plaintiffs' deposition designations, and affirmative page/line designations of deposition testimony on a rolling basis responding three weeks after receipt of plaintiffs' designations to each individual witness.
	Plaintiffs shall serve any page/line counter designations of deposition testimony and objections to defendants' deposition designations within one week of receipt of the defense designations.
9/27/13	Defendants shall serve page/line designations of depositions.

10/4/13	Plaintiffs shall serve any page/line counter designations and objections to defendants' designations and affirmative page/line designations for those witnesses designated by the defendants.
10/11/13	Defendants shall serve any page/line counter designations of deposition testimony and objections to plaintiffs' counters to defense designation.

G. STATEMENT OF THE CASE, JURY INSTRUCTIONS. The parties shall submit to the Court an agreed statement of the *case* for presentation to the jury and also shall submit, with a copy to opposing counsel, written jury instructions, **jury questionnaire** and proposed verdict forms no later than **October 7, 2013**. Each jury instruction shall be on a separate sheet of paper; shall be plainly marked with the *name* and number of the case; shall contain citations of supporting authorities, if any; shall designate the party submitting the instructions; and shall be numbered in sequence. This paragraph shall not foreclose the right of each party to modify instructions, up to and including the instruction conference, at the close of the evidence. Any party who intends to request that the Court provide a list of written jury instructions for the jury's consideration during deliberations shall be responsible for providing a clean copy of the full jury instructions to the Court.

III. NON-COMPLIANCE

NON-COMPLIANCE WITH ANY PORTION OF THIS ORDER MAY RESULT IN THE STRIKING OF THE CASE, WITNESSES, OR EXHIBITS, OR IMPOSITION OF SUCH OTHER SANCTIONS AS ARE JUST.



HON. BRIAN R. MARTINOTTI, J.S.C.