

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ROUNDUP PRODUCTS
LIABILITY LITIGATION

MDL No. 2741

Case No. 16-md-02741-VC

This document relates to:
ALL ACTIONS

**PRETRIAL ORDER NO. 63:
UPCOMING DEADLINES FOR
BELLWETHER TRIAL**

As discussed, the parties are directed to abide by the following while preparing for the first bellwether trial:

1. The parties' specific causation briefs will follow the schedule outlined in Pretrial Order 53. *See* Dkt. No. 1926. The plaintiffs' response to Monsanto's non-specific causation briefing (including the summary judgment brief and the three individual *Daubert* briefs) is due by January 25, 2019. Monsanto's reply on those topics is due by February 1, 2019. For the response and the reply, the parties should file a single brief with all of their non-specific causation arguments. The response brief may not exceed 60 pages and the reply brief may not exceed 25 pages.
2. The parties will submit comments on the proposed juror questionnaire by January 11, 2019. *See* Dkt. No. 2422.
3. The *Daubert* hearing for Dr. Shustov will take place by videoconference on January 28, 2019, at 2:00 p.m.
4. By January 15, 2019, the parties will file letter briefs that include (1) three evidentiary items per side for which the parties would like a determination of whether they are admissible during the causation phase of the trial; and (2) proposed substantive jury instructions and a verdict form for the causation phase of the trial. The parties will exchange their proposed jury instructions by January 13, 2019. The hearing on the letter briefs will take place on January 28, 2019, at 9:00 a.m.
5. Each side is allowed 15 motions in limine.
6. Prospective jurors who the jury office has determined are available during the trial will

complete the juror questionnaire on February 13, 2019. Counsel for both parties will then meet with the Court on February 15, 2019, at 10:30 a.m. to discuss any for cause challenges to those jurors.

7. Exhibits for opening statements must be submitted by 12:00 p.m. on Friday, February 22, 2019. The parties are not required to share their powerpoints for opening statements.
8. The parties will follow Judge Chhabria's Standing Order for Civil Trials if they plan to introduce an exhibit from their "may use" list at trial. The party using the exhibit will notify the opposing party at least 48 hours in advance of when it plans to introduce it. If an exhibit is being moved from the "may use" list to the "will use" list, a copy of the exhibit must be given to the courtroom deputy the night before it is to be used, and the exhibit must include the exhibit stick with the appropriate exhibit number and a corresponding binder tab.
9. The parties must ensure that all witnesses appear on the list of involved people, regardless of whether they are on a party's "will call" or "may call" list.
10. For video depositions, the party offering the witness is responsible for supplying the court with a transcript of the video deposition under ¶ 34 of the Court's Standing Order for Civil Trials. When both parties will be using a video clip, the parties must inform Kristen Melen in advance of how much time should be charged to each side. Each video clip should only be played once.
11. Jurors will not be given notebooks during trial with all of the exhibits, but jurors will have copies of the admitted exhibits during deliberations.

IT IS SO ORDERED.

Date: January 8, 2019



VINCE CHHABRIA
United States District Judge