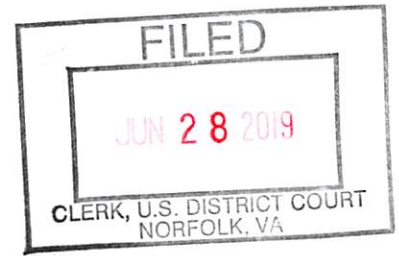


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION



IN RE ZETIA (EZETIMIBE) ANTITRUST  
LITIGATION

MDL No. 2:18-md-2836

THIS DOCUMENT RELATES TO:

ALL ACTIONS

**JOINTLY PROPOSED PRETRIAL ORDER NO. 6**

The Plaintiffs<sup>1</sup> and Defendants<sup>2</sup> in the above-referenced actions, through their respective counsel, hereby, and in light of the potential addition of Par Pharmaceutical, Inc. in this multi-district litigation,<sup>3</sup> jointly stipulate as follows with respect to an amended pretrial schedule, extending all remaining dates in the current case schedule by approximately two-and-a-half months, with minor variations to account for weekends and holiday periods, and making for more explicit treatment to address discovery motions.<sup>4</sup>

The parties shall adhere to the agreed upon dates in the following schedule. Should any future modification to the schedule become necessary in the view of any party, the parties shall

---

<sup>1</sup> Plaintiffs include all of the Direct Purchaser Plaintiffs, End-Payor Plaintiffs, and Retailer Plaintiffs party to this multi-district litigation.

<sup>2</sup> Defendants include Glenmark Pharmaceuticals, Ltd. and Glenmark Generics Inc., USA, Merck & Co., Inc., Merck Sharp & Dohme Corp., Schering-Plough Corp., Schering Corp., and MSP Singapore Co. LLC.

<sup>3</sup> On May 8, 2019, the Direct Purchaser Plaintiffs filed a motion for leave to file an Amended Consolidated Class Action Complaint (ECF No. 250-1, the "Proposed Direct Purchasers' Amended Complaint") on behalf of the Direct Purchaser Class, naming Par as a defendant (Zetia Antitrust MDL, ECF Nos. 249, 250).

<sup>4</sup> ECF No. 142, October 2, 2018 ("PTO 5"). Except as specifically modified herein, PTO 5 remains in full force and effect.

confer and submit a request to the Court to amend the schedule on a joint or opposed basis, as appropriate.

<b>Event</b>	<b>Current Date</b>	<b>Proposed Amended Date</b>
Deadline for serving final privilege logs for subsequent Rule 34 Document Requests	-	July 12, 2019 <sup>5</sup>
Parties to provide at least two dates on which witnesses noticed for deposition can appear before the close of fact discovery		July 15, 2019
Deadline for filing privilege challenges relating to any privilege log served on or before June 7, 2019 and discovery motions relating to any party's first set of RFPs, interrogatories or RFAs	July 16, 2019	July 30, 2019 <sup>6</sup>
Opposition to any discovery motions relating to any party's first set of RFPs, interrogatories or RFAs filed on or before July 30, 2019		Twenty-one days from the filing of the motion, or sooner if agreed by the parties or specifically directed by the Court, but no later than August 20, 2019
Reply briefs to any discovery motions relating to any party's first set of RFPs, interrogatories or RFAs filed on or before July 30, 2019		Six days from the filing of the opposition, but no later than August 26, 2019

<sup>5</sup> This deadline does not apply to privilege logs necessitated by additional document searches, or the search of additional custodians, to which the parties agreed on or after June 1, 2019. The parties will meet and confer to agree upon a deadline for any such logs. But in no event will any privilege logs, other than those relating to clawbacks of purportedly inadvertently-produced documents, be permitted to be served after July 25, 2019 without leave of Court. The producing party of such later-produced logs must provide at least one time in which it is available to meet and confer within the next twenty-four hours upon request for a meet-and-confer concerning such a log in order to ensure privilege challenges may be timely raised to the Court.

<sup>6</sup> With respect to this or any other deadline set forth in this schedule, a party may move the Court to extend the deadline based on a showing of good cause.

<b>Event</b>	<b>Current Date</b>	<b>Proposed Amended Date</b>
Hearing on privilege challenges relating to any privilege log served on or before June 7, 2019 and discovery motions relating to any party's first set of RFPs, interrogatories or RFAs		Week of September 2, 2019 <sup>7</sup>
Deadline for filing privilege challenges relating to any privilege log served after June 7, 2019 and discovery motions relating to any subsequent RFPs, interrogatories or RFAs	July 16, 2019	September 6, 2019
Opposition to any discovery motions relating to any party's first set of RFPs, interrogatories or RFAs filed on or before September 6, 2019		Twenty-one days from the filing of the motion, or sooner if agreed by the parties or specifically directed by the Court, but no later than September 27, 2019
Reply briefs to any discovery motions relating to any party's first set of RFPs, interrogatories or RFAs filed on or before September 6, 2019		Six days from the filing of the opposition, but no later than October 3, 2019
Hearing on privilege challenges relating to any privilege log served after June 7, 2019 and discovery motions relating to any subsequent RFPs, interrogatories or RFAs		Week of October 7, 2019 <sup>8</sup>
Fact Discovery closes	August 1, 2019	October 30, 2019
DPPs and EPPs move for class certification and disclose expert reports on which they rely for class certification. <sup>9</sup>	August 5, 2019	November 4, 2019

<sup>7</sup> The Court may hear such motions earlier than the Week of September 2, 2019 and either Party may move for a hearing on such fully-briefed motions.

<sup>8</sup> The Court may hear such motions earlier than the Week of September 30, 2019 and either Party may move for a hearing on such fully-briefed motions.

<sup>9</sup> At the time Plaintiffs serve their expert reports they intend to rely upon for purposes of class certification, they will provide three available dates that would allow Defendants to depose

<b>Event</b>	<b>Current Date</b>	<b>Proposed Amended Date</b>
Deadline to seek leave to amend the complaint(s) and/or add parties	September 16, 2019	December 16, 2019
Defendants oppose class certification and serve expert reports on which they rely in opposition to class certification. <sup>10</sup>	September 30, 2019	January 6, 2020
DPPs and EPPs file replies in support of class certification and supporting reply expert reports. <sup>11</sup>	November 5, 2019	February 6, 2020
Class certification hearing	Early December, 2019	Early March 2020
Plaintiffs disclose any merits experts required to be disclosed under Rule 26(a)(2) <sup>12</sup>	September 30, 2019	December 30, 2019
Defendants disclose any merits experts required to be disclosed under Rule 26(a)(2) <sup>13</sup>	November 6, 2019	February 7, 2020
Plaintiffs serve rebuttal merits expert reports, if any.	November 26, 2019	February 24, 2020
Deadline for deposing any merits experts disclosed pursuant to Rule 26(a)(2)	December 20, 2019	March 13, 2020

such experts sufficiently in advance of the due date for Defendants' opposition(s) to Plaintiffs' motions.

<sup>10</sup> At the time Defendants serve their expert reports they intend to rely upon for purposes of opposing class certification, they will provide three available dates that would allow Plaintiffs to depose such experts sufficiently in advance of the due date for Plaintiffs' replies.

<sup>11</sup> Plaintiffs' reply class certification expert reports shall respond the defendants' class certification expert reports.

<sup>12</sup> At the time Plaintiffs serve any additional expert reports pursuant to Rule 26(a)(3), they will provide three available dates that would allow Defendants to depose such experts sufficiently in advance of the due date for Defendants' reports.

<sup>13</sup> At the time Defendants serve any additional expert reports pursuant to Rule 26(a)(3), they will provide three available dates that would allow Plaintiffs to depose such experts by the deadline to depose any non-class certification experts.

<b>Event</b>	<b>Current Date</b>	<b>Proposed Amended Date</b>
Deadline for filing Rule 56 and <i>Daubert</i> motions <sup>14</sup>	January 21, 2020	April 13, 2020
Deadline for filing Rule 56 and <i>Daubert</i> oppositions	February 21, 2020	May 14, 2020
Deadline for filing Rule 56 and <i>Daubert</i> replies	March 20, 2020	June 11, 2020
Hearing on Rule 56 and <i>Daubert</i> motions	Late March/Early April 2020	Late June/Early July 2020
Parties exchange Rule 26(a)(3) disclosures	March 29, 2020	June 24, 2020
Parties serve objections to Rule 26(a)(3) disclosures	April 10, 2020	July 2, 2020
Parties file motions in <i>limine</i>	April 24, 2020	July 16, 2020
Oppositions to motions in <i>limine</i>	May 8, 2020	July 30, 2020
Attorneys conference	May 20, 2020	August 11, 2020
Proposed Draft of Pretrial Order Served	June 3, 2020	August 26, 2020
Parties file proposed voir dire, jury instructions, trial briefs, and witness summaries.	June 17, 2020	September 8, 2020
Final pre-trial conference	A day during the week of June 22, 2020	A day during the week of September 21, 2020
Trial Date	July 6, 2020	September 30, 2020

<sup>14</sup> In the event of a summary judgment motion or *Daubert* motion filed before the deadline, briefing on such motions shall proceed in accordance with E.D. Va. Local Rule 7(F)(1), unless otherwise agreed or ordered.

