

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**IN RE: LUMBER LIQUIDATORS CHINESE- )  
MANUFACTURED FLOORING PRODUCTS )  
MARKETING, SALES PRACTICES AND ) MDL No. 1:15-md-2627 (AJT/TRJ)  
PRODUCTS LIABILITY LITIGATION )  
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**IN RE: LUMBER LIQUIDATORS CHINESE- )  
MANUFACTURED LAMINATE FLOORING )  
DURABILITY MARKETING AND SALES ) MDL No. 1:16-md-2743 (AJT/TRJ)  
PRACTICES LITIGATION )  
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**This Document Relates to:  
All Pending Opt-Out Cases**

**SCHEDULING ORDER FOR OPT-OUT CASES**

Upon due consideration and review, and staying consistent with the charge and objective of this Court to complete all pre-trial proceedings in transferred cases, it is hereby ORDERED that the following discovery plan shall govern the remaining outstanding actions pending by those class members who have opted out of the Settlement (hereinafter “Plaintiff”).

In each such action:

- Plaintiff shall file an amended complaint on or before twenty-one (21) days after entry of this Order. The amended complaint may not add any new parties or add any new or additional claims. Any Plaintiff wishing to make such an addition must file a separate motion after filing the amended complaint. Plaintiff may not plead any claim that has been previously addressed by the Court, including but not limited to class action claims (previously addressed by 1:15-md-2627, ECF No. 1705) and personal injury claims (previously addressed by 1:15-md-2627, ECF No. 1242)
- Defendant shall file a responsive pleading to these amended complaints on or before fourteen (14) days after the amended complaint is electronically served.

- Within ten (10) days after serving the amended complaint, Plaintiff shall serve an amended Fact Sheet along with all responsive documents on Lumber Liquidators.
- The following Plaintiff-specific fact discovery shall be completed by Lumber Liquidators within 120 days of receipt of Plaintiff's amended fact sheet:
  - Written discovery;
  - Inspection and Sampling of Plaintiff's Flooring pursuant to the Court-approved Protocol (*see* 1:15-md-2627, ECF No. 869); and
  - Depositions of Plaintiff and other fact witnesses.
- Within thirty (30) days of service of the amended complaint, Lumber Liquidators shall produce copies of all Plaintiff-specific information within its possession including any purchase orders, correspondences, and claims or warranty information.
- Expert discovery shall proceed as follows:
  - Plaintiff designate his/her expert witnesses on or before 150 days after service of his or her amended complaint.
  - Lumber Liquidators designate its expert witnesses on or before twenty-one (21) days after the Plaintiff's last expert is deposed.
  - Plaintiff file any rebuttal reports on or before fourteen (14) days after Lumber Liquidators' last expert is deposed.
- Any and all motions, including but not limited to summary judgment and *Daubert*, must be filed no later than forty-five (45) days after Lumber Liquidators' last expert is deposed.
  - For any additional opt-out case that is subsequently transferred to this Court, the above deadlines shall apply beginning with Lumber Liquidators filing a responsive pleading within 14 days after transfer if not previously filed.

Alexandria, Virginia  
November 5, 2018

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/s/  
Thomas Rawles Jones, Jr.  
United States Magistrate Judge