

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

In re: PARAQUAT PRODUCTS
LIABILITY LITIGATION

This Document Relates to All Cases

Case No. 3:21-md-3004-NJR

MDL No. 3004



ORDER ADOPTING SPECIAL MASTER'S REPORT AND
RECOMMENDATIONS REGARDING CASE MANAGEMENT
ORDER NO. 7 PLAINTIFF FACT SHEET (PFS)
IMPLEMENTATION AND DEADLINES FOR TRIAL CASES

ROSENSTENGEL, Chief Judge:

Having considered the Special Master's Report and Recommendations regarding Case Management Order No. 17 Plaintiff Fact Sheet (PFS) Implementation and Deadlines for Trial Cases ([Doc. 825](#)), the Court fully **ADOPTS** the Report and Recommendations.

IT IS HEREBY ORDERED that the Court adopt the PFS in the form attached to the Report and Recommendations as Exhibit 1 and the appended authorizations for the release of records (*see* Exhibit 2) that accompany the PFS.

IT IS FURTHER ORDERED that, to the extent any Plaintiff selected for trial (*see* [Doc. 803](#)) seeks to amend his or her PAQ,¹ such Plaintiff shall serve upon Defendants an "Affidavit Amending [Plaintiff's Name] PAQ" setting forth:

- i. Plaintiff's name;
- ii. case number;

¹ This Report and Recommendations applies to the early trial selection cases only. Procedures for amending PAQs in all other cases will be implemented at a later date.

- iii. original PAQ number;
- iv. PAQ sections that are being amended;
- v. the amended or additional response for the referenced PAQ section(s); and
- vi. the reason for such amended response(s).

IT IS FURTHER ORDERED that any such Affidavit Amending PAQs must be served no later than **February 1, 2022**. All Plaintiffs who have cases selected for trial must fully complete the PFS (Exhibits 1 and 2) and serve, through the Portal Administrator, the PFS and documents required by the PFS no later than **February 1, 2022**.

IT IS FURTHER ORDERED that each Plaintiff is required to fill out his or her own PFS to the best of his or her knowledge and recollection unless that Plaintiff is incapacitated and unable to testify, in which case that Plaintiff's authorized legal representative must complete the PFS on his or her behalf.

IT IS FURTHER ORDERED that the parties will meet and confer with the Portal Administrator to establish methods for Plaintiffs to amend their PAQs and PFSs.

IT IS FURTHER ORDERED that, consistent with the Court's Order dated December 10, 2021 ([Doc. 670](#)), concerning CMO No. 10, Defendants and their authorized third-party litigation vendor, Litigation Management, Inc. ("LMI") may fill in any information necessary to complete the authorizations submitted with the PFS based on information provided in the PFS, except for a Plaintiff's signature. This information includes adding a Plaintiff's complete name, Social Security number, date of birth, any medical provider/employer identified in the PFS, date for the Plaintiff's signature, or any

other information omitted from the authorization if that information is provided in the PFS and is necessary to obtain the records. It also includes substituting LMI as the recipient of the records for any erroneously listed individuals or entities.

IT IS FURTHER ORDERED that, to the extent Plaintiffs provide Defendants with unaddressed, executed authorizations with the PFS, those submissions shall constitute permission for Defendants to address those authorizations as necessary to obtain the records, provided that Defendants or LMI give notice in a courtesy copy of such authorization used to Plaintiff's counsel before each use.

IT IS FURTHER ORDERED that the parties shall meet and confer with respect to deposition dates for the sixteen (16) Plaintiffs selected for trial (*see* [Doc. 803](#)). No later than **February 4, 2022**, the parties shall submit to Special Master Ellis a schedule of deposition dates for Plaintiffs' depositions. The depositions shall begin in February, with the goal of substantially completing Plaintiffs' depositions by March 15. **All Plaintiffs' depositions must be completed by March 31, 2022.** The parties shall meet and confer in good faith and use best efforts to schedule and meet these dates.

IT IS SO ORDERED.

DATED: January 18, 2022

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. Below the signature is a circular official seal of the United States District Court for the District of New Jersey, featuring an eagle and the words "U.S. DISTRICT COURT" and "DISTRICT OF NEW JERSEY".

NANCY J. ROSENSTENGEL
Chief U.S. District Judge