

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

IN RE: TESTOSTERONE)	Case No. 14 C 1748
REPLACEMENT THERAPY)	
PRODUCTS LIABILITY LITIGATION)	MDL No. 2545

)		
)		
This document concerns all actions,)	
as well as <i>Nolte v. AbbVie, Inc.</i> ,)	
No. 1:14-cv-8135, <i>Garner v. Eli Lilly</i>)	
& Co., No. 1:15-cv-2045, and <i>DeBroka</i>)	
<i>v. Eli Lilly & Co.</i> , No. 1:15-cv-9246.)	

CASE MANAGEMENT ORDER NO. 80
(Pretrial schedule for January 2018 bellwether trials)

On today's date, the Court held a case management conference by telephone regarding the January 2018 bellwether trials involving AbbVie, set for January 8, 2018, and Lilly, set for January 29, 2018. The Court advised that based on its experience in the two previous AbbVie bellwether trials and the current Auxilium bellwether trial, the time limits for the January 2018 trials are likely to be shorter than for the two previous AbbVie bellwether trials. The following schedules were also established or reconfirmed:

1. January 8, 2018 AbbVie bellwether trial

Nolte v. AbbVie, Case No. 1:14-cv-8135, will be tried starting on January 8, 2018.

The final pretrial order and motions *in limine* are to be filed by December 21, 2017.

Responses to motions *in limine* are to be filed by December 28, 2017. Proposed preliminary jury instructions to be given at the outset of the trial—focusing only on the instructions regarding the claims and any defenses, as well as damages—and any proposed modifications to the jury questionnaire used in the *Konrad* case are to be filed by December 27, 2017. The final pretrial conference is set for January 4, 2018 at 1:30 p.m.

2. January 29, 2018 Lilly bellwether trial

Either *Garner v. Eli Lilly & Co.*, No. 1:15-cv-2045, or *DeBroka v. Eli Lilly & Co.*, No. 1:15-cv-9246, will be tried starting on January 29, 2018. Summary judgment and *Daubert* motions are to be filed by November 21, 2017; responses are to be filed by December 22, 2017, and replies are to be filed by January 5, 2018, all within the page limits previously ordered. The final pretrial order and motions *in limine* are to be filed by January 11, 2018. Responses to motions *in limine* are to be filed by January 18, 2018. Proposed preliminary jury instructions to be given at the outset of the trial—focusing only on the instructions regarding the claims and any defenses, as well as damages—and any proposed modifications to the jury questionnaire used in the *Konrad* case are to be filed by January 18, 2018. The final pretrial conference is set for January 25, 2018 at 3:00 p.m.

Date: November 9, 2017



MATTHEW F. KENNELLY
United States District Judge