

IN THE DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re WELDING ROD PRODUCTS  
LIABILITY LITIGATION,

THIS DOCUMENT RELATES TO  
ALL ACTIONS

Case No. 1:03-CV-17000

MDL Docket No. 1535

JUDGE O'MALLEY

**FIFTH CASE MANAGEMENT ORDER**

IT IS HEREBY ORDERED that the following schedule shall apply to the preparation and trial of the second MDL trial:

**I. TRIAL DATE**

1. Plaintiffs have selected Dewey Morgan as the plaintiff for the second MDL trial, which is set to commence on October 31, 2005.

**II. DISCOVERY CUT-OFF DATES**

1. The parties shall exchange lists of the fact witnesses that they intend to call at the second MDL trial on July 11, 2005.

2. All case-specific fact discovery in the second case to be tried before the Court in this proceeding shall be completed by August 5, 2005.

**III. CASE-SPECIFIC DISPOSITIVE MOTIONS IN SECOND MDL TRIAL CASE**

1. On or before August 10, 2005, the parties shall file any dispositive motions in the second MDL trial case.

2. On or before September 9, 2005 (or 30 days after the filing of a motion), the parties shall file their oppositions to any dispositive motions in the second MDL trial case.

3. On or before September 26, 2005 (or 15 days after the filing of any opposition), the parties shall file replies in support of any dispositive motions in the second MDL trial case.

4. The Court shall conduct a hearing on the dispositive motions beginning on a date to be determined by the Court.

**IV. CASE-SPECIFIC EXPERTS IN SECOND MDL TRIAL CASE**

1. On or before June 11, 2005, Plaintiffs shall identify and provide Rule 26(a)(2) reports for case-specific experts expected to testify in the second MDL trial case .

2. On or before July 11, 2005, Defendants shall identify and provide Rule 26(a)(2) reports for case-specific experts expected to testify in the second MDL trial case.

3. Discovery of the parties' case-specific experts for the second MDL trial case shall be completed by August 10, 2005.

4. On or before August 17, 2005, the parties shall file any *Daubert* motions regarding case-specific experts in the second MDL trial case.

5. On or before September 16, 2005 the parties shall file oppositions to any *Daubert* motions regarding case-specific experts in the second MDL trial case.

6. On or before October 3, 2005, the parties shall file their replies in support of any *Daubert* motions regarding case-specific experts in the second MDL trial case.

7. The Court shall conduct a hearing on any *Daubert* motions filed as to case-specific experts in the second MDL trial case on a date to be determined by the Court.

**IT IS SO ORDERED.**

s/Kathleen M. O'Malley  
**KATHLEEN McDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED:** May 2, 2005

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