

49.

STATE OF MINNESOTA  
COUNTY OF RAMSEY

FILED  
Court Administrator  
JUN 14 2005  
M. J. [Signature]  
Deputy

DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
COURT FILE NO. C4-04-12239

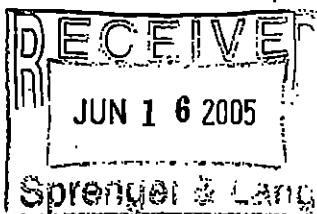
Clifford L. Whitaker, and Michael Mucci,  
on behalf of themselves and all others

Plaintiff(s),

v.

3M Company,

Defendant(s).



PHASE ONE  
SCHEDULING ORDER

A Joint Informational Statement Form has been filed by **Susan M. Coler** for plaintiff(s) and **Holly S.A. Eng** for defendant(s). Based on the information contained therein, a review of the file and the proceedings herein,

**IT IS HEREBY ORDERED THAT:**

1. Deadlines set forth in this order may be extended only with leave of the court.
2. This case is hereby placed on the **complex** calendar. All papers required to be filed pursuant to Rule 5.04 of the Minnesota Rules of Civil Procedure must be filed with the court within 10 days of the filing of this order. This includes complaints, answers, and any third-party pleadings, but does not include discovery documents.
3. The number of factual depositions shall not exceed 30.
4. The deadline for joining any additional parties including third party defendants, whether by amendment or third party practice, is **January 3, 2006**.
5. Plaintiffs' deadline for identifying expert witnesses is **March 24, 2006**. If the plaintiff has not disclosed their experts and has not provided required information prior to the deadline, the expert testimony will not be allowed at trial.
6. Defendant's deadline for identifying expert witnesses is **April 21, 2006**. If the defendant has not disclosed their experts and has not provided required information prior to the deadline, the expert testimony will not be allowed at trial.

7. Deadline for completion of fact discovery (Phase One) is **May 26, 2006**. Fact discovery may be conducted after this date only to the extent permitted by the Court in its ruling on non-dispositive discovery motions

8. Plaintiffs' deadline for serving their expert reports is **May 26, 2006**.

9. The deadline for filing non-dispositive discovery motions is **May 26, 2006**. No motion will be heard unless the parties have conferred in an attempt to resolve their differences prior to the hearing. The moving party shall certify to the court in writing, before the time of the hearing, compliance with this rule or any reasons for not complying. (Minnesota Gen. Rule Pract. 115.10).

10. Defendant's deadline for serving its expert reports is **August 4, 2006**.

11. The deadline for completing expert witness depositions is **September 1, 2006**.

12. Plaintiffs' deadline for filing their class certification motion and expert rebuttal reports is **September 1, 2006**.

13. Defendant's deadline for filing its response to Plaintiffs' class certification motion is **September 22, 2006**.

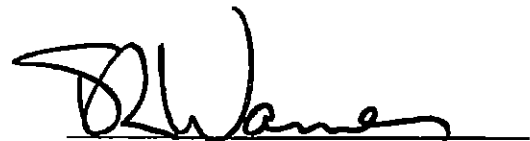
14. Plaintiffs' deadline for filing reply memorandum in support of class certification is **October 13, 2006**.

15. Dispositive and non-discovery non-dispositive motions must be scheduled so that they are heard on **November 14, 2006 at 9:00 a.m.** No motions will be heard unless the moving party certifies in writing the attempts to resolve their differences prior to the motion hearing.

16. The motion for class certification has been scheduled for **November 14, 2006 at 9:00 a.m.**

17. Pursuant to Rule 121, if the above entitled matter settles, counsel shall immediately advise the court of the settlement. Counsel should contact Mary Jo Maxwell, Civil Case Manager, 750 Courthouse or phone (651)266-8308.

DATED: June 14, 2005

  
Teresa R. Warner  
DISTRICT COURT JUDGE