

STATE OF MINNESOTA
COUNTY OF RAMSEY

EMPLOYMENT
DISTRICT COURT
SECOND JUDICIAL DISTRICT

Clifford L. Whitaker, et al., on behalf of themselves and all others similarly situated,)	Court File No. 62-C4-04-012239
)	[G. Johnson]
Plaintiffs,)	
)	SECOND AMENDED PHASE ONE
vs.)	SCHEDULING ORDER
)	
3M Company,)	[Class Action]
)	
Defendant.)	

A joint Informational Statement Form was filed by **Susan M. Coler** for plaintiffs and **Holly S. A. Eng** for defendant. Subsequent to that, parties were ordered to negotiate and attempt to stipulate to a Second Amended Phase One Scheduling Order. The parties have so stipulated, and their stipulation is reflected in the dates set forth below:

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 **August 25, 2006**. If the plaintiffs have not disclosed their experts and have 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 **September 22, 2006**. If the defendant has not disclosed its 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 **October 31, 2006**. Fact discovery may be conducted after this date only to the extent permitted by the court on its ruling on non-dispositive discovery motions.

8. 3M's deadline for producing corrected data: **May 31, 2007**.

9. Plaintiffs' deadline for serving their expert reports is **June 22, 2007**.

10. The deadline for filing non-dispositive discovery motions is **November 15, 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).

11. Defendant's deadline for serving its expert reports is **July 25, 2007**.

12. Plaintiffs' deadline for serving its expert rebuttal reports is **August 29, 2007**.

13. The deadline for completing expert witness depositions is **September 26, 2007**.

14. Plaintiffs' deadline for filing their class certification motion is **September 11, 2007**.

15. Defendant's deadline for filing its response to Plaintiffs' class certification motion is **October 23, 2007**.

16. Plaintiffs' deadline for filing a reply memorandum in support of class certification is **November 13, 2007**.

17. Dispositive and non-discovery non-dispositive motions for hearing during Phase One must be scheduled so that they are heard at the latest on the day the motion for class certification is scheduled. No motions will be heard unless the moving party certifies in writing the attempts to resolve their differences prior to the motion hearing.

18. The motion for class certification has been scheduled for November 28, 2007 at 9:30 a.m.

19. 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.

IT IS SO ORDERED.

Date: May 15, 2007



GREGG E. JOHNSON
CHIEF JUDGE