

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

IN RE: *ENGLE* PROGENY CASES
TOBACCO LITIGATION

Case No.: 08-CA-80000
DIVISION D

2009 JUN 29 AM 9:40
HILLSBOROUGH COUNTY, FL
CIRCUIT CIVIL
11

Pertains to: All Cases

CASE MANAGEMENT ORDER NO. 4

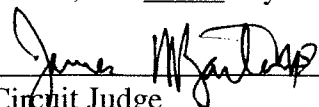
I. SCOPE AND APPLICABILITY OF THIS ORDER

This Court previously entered Case Management Order (“CMO”) No. 1 on March 12, 2008, CMO No. 2 on June 6, 2008, and CMO No. 3 on January 9, 2009 to govern the *Engle* Progeny Cases pending in this Circuit. This Case Management Order No. 4 modifies CMO No.3, but shall not be construed to modify or alter CMO No. 3 except as expressly set forth herein.

II. MODIFICATION TO CMO NO. 3

Section II (B), Designation of Cases for Trial, of CMO No. 3 is hereby modified as follows: The form Scheduling Order for Trial Designated Cases, attached as Exhibit 2 to CMO No. 3, and referenced in Section II (B), shall be replaced with the Scheduling Order for Trial Designated Cases attached as Exhibit 1 hereto. The Scheduling Order for Trial Designated Cases, the form of which is attached hereto as Exhibit 1, shall be entered for each Trial Designated Case by the judge assigned to the Trial Designated Case.

DONE AND ORDERED at Tampa, Florida, this 26th day of June, 2009.



Circuit Judge

Copies Furnished to:

All counsel of record.

EXHIBIT NO. 4
2003 JUL 29 AM 9:49
JUDICIAL CITY, FL
CIRCUIT CIVIL

EXHIBIT 1 TO CMO NO. 4

IN THE CIRCUIT COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT
IN HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

IN RE: *ENGLE* PROGENY CASES
TOBACCO LITIGATION

CASE NO.: 08-CA-80000
DIVISION D

*Pertains To: Cases Listed on Plaintiffs'
Notice of Trial Designated Cases (attached
hereto as Exhibit "A")*

SCHEDULING ORDER FOR TRIAL DESIGNATED CASES

Pursuant to Case Management Orders Nos. 1, 3 and 4, this Scheduling Order for Trial Designated Cases shall govern the remaining fact and expert discovery and pretrial procedures for cases set forth in Plaintiffs' Notice of Trial Designated Cases filed on _____ ("Designation Date"), attached hereto as Exhibit A.

Event	Deadline
Defendant to serve Plaintiff with notice of potential transfer of venue motion of Trial Designated Case	15 days after Designation Date
Plaintiff to file notice of withdrawal of Trial Designated Case subject to potential transfer motion and designation of a substitute Trial Designated Case	5 days after Defendant gives notice of potential transfer of venue
Plaintiff to serve a list of experts the Plaintiff expects to call at trial, along with expert summaries or reports pursuant to FRCP 1.280(b)(4)	150 days prior to close of discovery
Defendant to serve a list of experts the Defendant expects to call at trial, along with expert summaries or reports pursuant to FRCP 1.280(b)(4)	45 days after Plaintiff serves its list of experts
Plaintiff to serve a list of any rebuttal experts the Plaintiff intends to call at trial, along with expert summaries or reports pursuant to FRCP 1.280(b)(4)	Up to and including 45 days after the designation of defense experts, or up to and including 7 days after the deposition of the defense expert whose opinions the expert is designated to rebut, whichever is

Event	Deadline
	later. In any event, however, Plaintiff shall serve its rebuttal expert designations no later than 45 days prior to the close of discovery.
Defendant to serve a list of any sur-rebuttal experts the Defendant intends to call at trial, along with expert summaries or reports pursuant to FRCP 1.280(b)(4)	Up to and including 30 days after the designation of Plaintiffs' rebuttal experts, or up to and including 5 days after the deposition of the rebuttal expert whose opinions the expert is designated to rebut, whichever is later. In any event, however, Defendant shall serve its sur-rebuttal expert designations no later than 30 days prior to the close of discovery.
All fact and expert discovery to be completed	90 days before the beginning of trial (exact date to be determined)
All pretrial dispositive motions and <i>Frye</i> motions, other than motions in limine, to be filed	60 days before the beginning of trial (exact date to be determined)
Plaintiff shall furnish Defendants a final list of witnesses expected to testify. Any witness, other than rebuttal witnesses, not disclosed at this time will not be permitted to testify at trial.	45 days before the beginning of trial (exact date to be determined)
Defendant shall furnish Plaintiff a final list of witnesses expected to testify, including rebuttal witnesses. Any witness not disclosed at this time will not be permitted to testify at trial.	38 days before the beginning of trial (exact date to be determined)
Plaintiff shall furnish Defendant a final list of rebuttal witnesses expected to testify. Any rebuttal witnesses not disclosed at this time will not be permitted to testify at trial.	35 days before the beginning of trial (exact date to be determined)
Parties to exchange catalog of trial exhibits, and make exhibits available for inspection by opposing counsel	30 days before the beginning of trial (exact date to be determined)
Parties to exchange deposition designations of witnesses whose testimony is expected to be presented by deposition, either by transcript or video	30 days before the beginning of trial (Counter-designations and objections to designations 20 days before the beginning of trial) (exact date to be determined)

Event	Deadline
All motions in limine must be filed and served, along with memos addressing unusual questions of law	25 days before trial (Responses to motions in limine must be filed and served at least 15 days before the beginning of trial) (exact date to be determined)
All hearings on motions, other than motions in limine, must be scheduled and heard	Not later than 20 days before the beginning of trial (exact date to be determined)
Parties to meet and prepare Joint Pretrial Stipulation	Not later than 20 days before the beginning of trial (exact date to be determined)
Joint Pretrial Stipulation to be filed	5 days before Pretrial Conference (exact date to be determined)
Pretrial Conference	10 to 15 days before the beginning of trial (exact date to be determined by assigned trial judge)
Trial Date	Exact date to be determined by assigned trial judge

DONE AND ORDERED at Tampa, Florida, this _____ day of _____,

20__.

CIRCUIT JUDGE

Copies furnished to:

All counsel of record