

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In re: BAYCOL PRODUCTS LITIGATION

MDL No. 1431

(MJD/JGL)

This Document Relates to All Actions

Pretrial Order No. 22

## IT IS HEREBY ORDERED:

1. To facilitate coordination of deposition scheduling, defendants Bayer Corporation and Bayer AG (hereinafter the "Bayer defendants") and defendants GlaxoSmithKline and GlaxoSmithKline plc (hereinafter the "GSK defendants") will notify the MDL plaintiffs of any state court depositions of employees and former employees of the Bayer and GSK defendants (other than regional or local sales personnel) in Baycol-related cases filed in any jurisdiction in the United States. The Bayer defendants and GSK defendants agree that they will have no objection to a representative of the MDL plaintiffs observing such state court depositions without the necessity for a cross-notice. Such observation will not prejudice the right of the MDL plaintiffs to notice a subsequent deposition in accordance with paragraph four below.

2. The parties agree that testimony at state court depositions subject to Paragraph 1 will be treated as if taken in the MDL proceedings and will be admissible pursuant to the Federal Rules of Evidence.

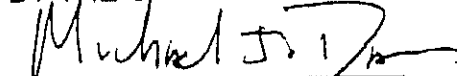
3. Both the MDL plaintiffs and the Bayer and GSK defendants shall be entitled to cross notice any such state court depositions in the MDL, except where the MDL plaintiffs, or the Bayer and GSK defendants are each separately prohibited by state court order or rule. Any party seeking to serve such a cross-notice must first meet and confer with the other MDL parties.

JUN 4 2002  
FILED  
RICHARD D. SLETTEN, CLERK  
JUDGMENT ENTD.  
POLY CLERK

4. If the state court deposition of a witness has been cross-noticed pursuant to paragraph 3 above, then the MDL plaintiffs may not take a subsequent deposition of that witness. If the state court deposition of a witness has not been cross-noticed pursuant to paragraph 3 above, then the MDL plaintiffs shall be limited to one subsequent deposition of that witness. During any such subsequent deposition, the MDL plaintiffs may not ask questions that seek the same information as questions posed in the state court deposition(s), but may ask follow-up questions reasonably necessary to clarify an answer or follow-up questions which were not pursued during the state court deposition; and, if documents have been produced after the date of the state court deposition, the MDL plaintiffs may ask overlapping questions in connection with the documents.

Dated: June 4, 2002

BY THE COURT



Michael J. Davis

United States District Court

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The Minnesota Chapter of the Federal Bar Association



In connection with  
The Federal Judiciary

**28th Annual  
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June 19, 2002  
8:00 am—5:15 pm

Minneapolis Convention Center  
1301 Second Avenue South  
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**Morning Session:**

7:30-8:00 Registration

8:00-8:15 Opening Remarks and Welcome, *Judge Ann D. Montgomery*

8:15-9:00 Securities Law Issues in the Wake of Enron, *Timothy J. Warren (SEC Midwest Regional Office), Professor Niels Schaumann (William Mitchell College of Law), Karl L. Cambroline (Cambroline & Cambroline)*

9:00-9:45 Current Issues in Employment Law, *Judge Paul A. Magnuson, Linda L. Holstein (Parsinen Kaplan Rosberg & Gottlieb PA), John R. McDonald (Meagher & Geer, PLLP), Daniel Oberdorfer (Leonard, Street and Deinard)*

9:45-10:00 Morning Break

10:00-10:45 Current Initiatives in the U.S. Attorneys' Office, *Tom Heffelfinger (U.S. Attorneys Office)*

10:45-11:45 Discovery Disputes: Professionalism in the Practice of Law?, *Judge David S. Dohy, Chief Magistrate Judge Jonathan Lebedorf, Magistrate Judge Arthur J. Boylan, Lunch (Room 211)*

11:45-12:45 Lunch (Room 211)

**Afternoon Session:**

12:45-1:30 The Clerk's Office Can Be Your New Best Friend, *Celeste Shahidi, Lou Jean Gleason, Mary Lenner, Gerlie Simon, Andy Seldin*

1:30-2:15 How to Effectively Teach and Persuade in Patent or Intellectual Property Cases: Why, When and How, *Judge Donovan W. Frank, Becky R. Thorson (Robins, Kaplan, Miller & Cressi), Stephen J. Davidson (Leonard, Street and Deinard)*

2:15-3:15 Issues in the Wake of 9/11: Racial Profiling -- *Daniel M. Scott (U.S. Federal Public Defenders' Office)*; Response by the Department of Justice -- *Tony Brown (U.S. Attorneys Office)*

3:15-3:30 Afternoon Break

3:30-4:15 Update on Technology Tools for Litigating in Federal Court, *Judge John R. Tunheim, Judge Robert J. Kressel, Eric J. Magnuson (Rider, Bennett, Egan & Arundel)*

4:15-5:15 Ethics in "Real Life" Practice Situations, *Martin A. Cole (Lawyers Professional Responsibility Office)*

**Seminar Registration**

- Member \$195.00
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- Celeste M. Shahidi, U.S. Courthouse Minneapolis Building
- Susan Nolting, U.S. Department of Justice
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