

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

*Pertains To: All Cases*

**ACTIVE PRETRIAL DISCOVERY AND SCHEDULING ORDER**

As referred to in Case Management Order No. 1, this scheduling order shall govern the discovery and progress of all *Engle* progeny cases:

EVENT	DEADLINE
Plaintiff may serve discovery on Defendants	At any time during the discovery period after Plaintiff has been placed on the Active Pretrial Discovery Schedule
Plaintiff may be deposed (no more than 2 Plaintiffs' depositions may be scheduled on any one day)	Beginning 30 days after Plaintiff has been placed on the Active Pretrial Discovery Schedule
Plaintiff to serve preliminary fact witness list, to include name, address, telephone number, and specific subject matter of testimony	Within 60 days after Plaintiff has been placed on the Active Pretrial Discovery Schedule
Defendant to serve preliminary fact witness list, to include name, address, telephone number, and specific subject matter of testimony	Within 30 days after Plaintiff serves its fact witness list
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)	Within 120 days after Plaintiff has been placed on the Active Pretrial Discovery Schedule
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)	Within 30 days after Plaintiff serves its expert list and reports
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)	Within 21 days after Defendant serves its expert lists or reports

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EVENT	DEADLINE
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)	Within 21 days after Plaintiff serves its rebuttal expert lists or reports, and only by leave of court for good cause shown
All fact and expert discovery to be completed, and all parties prepared to try the case within 60 days	240 days after Plaintiff has been placed on the Active Pretrial Discovery Schedule, or 150 days after Plaintiff serves its expert list and reports, whichever is later
Calendar call to set case for trial	First monthly Case Management Conference following the close of discovery
All pretrial dispositive motions and <i>Frye</i> motions, other than motions in limine, to be filed	Within 30 days after close of discovery
Plaintiff shall furnish Defendants 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.	No less than 45 days before the beginning of trial
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.	No less than 35 days before the beginning of trial
Parties to exchange catalog of trial exhibits, and make exhibits available for inspection by opposing counsel	30 days before trial
Parties to exchange deposition designations of witnesses whose testimony is expected to be presented by deposition, either by transcript or video	30 days before trial (Counter-designations and objections to designations 20 days before trial)
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 trial)

EVENT	DEADLINE
All hearings on motions, other than motions in limine, must be scheduled and heard	Not later than 20 days before trial
Parties to meet and prepare Joint Pretrial Stipulation	Not later than 20 days before trial
Joint Pretrial Stipulation to be filed	5 days before Pretrial
Pretrial Conference	10 to 15 days before trial
Trial begins	60 days after close of discovery

DONE AND ORDERED at Tampa, Florida, this 13 day of March, 2008.



Circuit Judge

Copies furnished to:

All counsel of record