

**FILED**

**APRIL 26, 2021**

**HON. BRUCE J. KAPLAN, J.S.C.**

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Janssen Pharmaceutical Research & Development, LLC and  
Janssen Pharmaceuticals, Inc.

VICTORIA ANN WARNET and KENNETH  
JOHN WARNET, her husband,

Plaintiffs,

v.

JOHNSON & JOHNSON, JANSSEN  
PHARMACEUTICAL RESEARCH &  
DEVELOPMENT, LLC and JANSSEN  
PHARMACEUTICAL, INC.

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY  
DOCKET NO. L-9956-14

CIVIL ACTION  
LEVAQUIN LITIGATION  
CASE CODE 286

**SECOND AMENDED PRE-TRIAL  
SCHEDULING ORDER**

**IT IS** on this 26th day of April 2021, hereby:

**ORDERED** that the February 24, 2021 Amended Pre-Trial Schedule Order is hereby amended and pre-trial deadlines and trial shall proceed as follows:

**A. EXPERT DISCOVERY SCHEDULE**

1. Expert discovery has been completed pursuant to the schedule set forth in Case Management Order No. 38.

**B. PRETRIAL PROCEDURE**

1. **EXHIBITS.** The parties shall serve a list of trial exhibits (except demonstrative aids), including a description of each document or other exhibit, document production number (if applicable), and an electronic copy of the exhibits, as follows:

Deadline	Description
7/28/2021	Plaintiffs shall serve trial exhibit list.
9/13/2021	Defendants shall serve trial exhibit list.

2. **CASE SPECIFIC FACT WITNESSES.** The parties shall identify the names and addresses of all the case-specific fact witnesses, as follows:

Deadline	Description
7/28/2021	Plaintiffs shall serve a list of fact witnesses and treating physicians, including, without limitation, separate identification of those witnesses they expect to present live at trial and those the parties may call if the need arises.
9/13/2021	Defendants shall serve a list of fact witnesses and treating physicians, including, without limitation, separate identification of those witnesses they expect to present live at trial and those the parties may call if the need arises.

3. **PRE-TRIAL CONFERENCE.** The pre-trial conference is specially set for **September 27, 2021.**

4. **MOTIONS.** By agreement of the parties, motions to dismiss and for summary judgment, motions *in limine*, motions directed to expert testimony, including Accutane motions, shall be served on the following schedule and shall be heard in advance of trial on dates specially set by the Court, as follows:

Deadline	Description
10/13/2021	Parties to file all motions to dismiss and for summary judgment, motions <i>in limine</i> and motions directed to expert testimony, including <u>Accutane</u> motions (and supporting materials).

Deadline	Description
11/15/2021	Parties to file oppositions to motions to dismiss and for summary judgment, motions <i>in limine</i> and motions directed to expert testimony, including <u>Accutane</u> motions (and supporting materials).
12/3/2021	Parties to file replies in further support of motions to dismiss and for summary judgment, motions <i>in limine</i> and motions directed to expert testimony, including <u>Accutane</u> motions (and supporting materials).
12/13/2021 to 12/17/2021	Oral Argument (as necessary).
TBD	Trial

5. **PRE-MARKING EXHIBITS.** Prior to trial, each party shall meet with and assist the clerk in marking for identification all exhibits, as directed by the clerk.

6. **DEPOSITION DESIGNATIONS AND HEARINGS.** Each party shall serve his, her, or its designation of depositions, or portions of depositions, each intends to offer as testimony at trial as follows:

Deadline	Description
9/29/2021	The parties shall serve page/line designations of deposition testimony.
11/3/2021	The parties shall serve any page/line counter-designations of deposition testimony, objections to the other party's deposition designations, and affirmative page/line designations of deposition testimony.

7. **STATEMENT OF THE CASE, JURY INSTRUCTIONS.** The parties shall submit to the Court a joint, agreed statement of the case for presentation to the jury, and shall also submit, with copies to opposing counsel, proposed versions of the written jury instructions, jury questionnaire, and verdict forms no later than 1/18/2022. Each jury instruction (a) shall be on a separate sheet of paper; (b) shall be plainly marked with the name and number of the case; (c) shall contain citations of supporting authorities, if any; (d) shall designate the party submitting the instructions; and (e) shall be numbered in sequence. This paragraph does not foreclose the right of each party to modify instructions, up to and including the instruction conference, at the close of the evidence. Any party that intends to request that the Court provide a list of written jury instructions for the jury's consideration during deliberations shall be responsible for providing a clean copy of the full jury instructions to the Court.

C. **NON-COMPLIANCE**

Non-compliance with any portion of this order may result in the striking of the case, witnesses, or exhibits, or imposition of such other sanctions as are just.

*/s/ Bruce J. Kaplan*

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HONORABLE BRUCE J. KAPLAN, J.S.C

The posting of this Order on eCourts shall constitute service upon all counsel of record. If applicable, pursuant to *Rule 1:5-1(a)*, the movant shall serve a copy of this Order upon all parties not served electronically within seven (7) days of receipt of this Order.