

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS
RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE
500 W. CAPITOL, ROOM D444
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May 19, 2010

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Re: May 19, 2010, Telephone Conference re: E-only Schedule

Dear Counsel:

Thank you for your time this morning.

If Judge Montgomery thinks an August joint hearing is feasible it is likely that we will have it in August while I am in Minnesota for the Eighth Circuit conference.

Accordingly, the order I entered earlier¹ will be modified to extend the deadline for Plaintiffs to file motion, designate experts, and disclose expert reports until June 9, 2010, vice June 2, 2010.

The order also will provide that only Wyeth will be involved in the consideration at this point.

I remind you that this question was identified as a *Daubert* issue in several orders dated August 22, 2008 -- see, e.g., *Smith v. Wyeth, et al.*, 4:05-CV-01748-WRW.

Wyeth, of course, will be required to produce affidavits in response to the position of Plaintiffs' expert or experts by July 15, 2010. If Plaintiffs' counsel believe that depositions of those experts

¹May 13, 2010 Order (Doc. No. 2270)

producing defense affidavits are necessary, I will probably help schedule them on an expedited basis.

If the August hearing is not deemed feasible by Judge Montgomery, I will probably loosen the deadlines a little, but not a lot. Each party should assume, from this moment forward that we will have the hearing in August.

Again, thank you for your time.

Cordially,

/s/ Wm. R. Wilson, Jr.

P.S. It appears to me that it would be a good thing if Plaintiffs' counsel coordinate their efforts forthwith.

Original to the Clerk of the Court

cc: The Honorable Ann D. Montgomery
The Honorable Joe Volpe
Other Counsel of Record