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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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CHERYL J. WHITE, SUCCESSOR TO NO. CIV. 06-665 WBS GGH
WILLIAM WHITE,

 Plaintiff, ORDER RE: PRETRIAL CONFERENCE

 v.

NOVARTIS PHARMACEUTICALS
CORPORATION,

 Defendant.

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 This matter came on for Pretrial Conference, pursuant
to Rule 16(e) of the Federal Rules of Civil Procedure, on
February 7, 2011. After hearing, the court set the matter for
further Pretrial Conference to be held on August 22, 2011, at
2:00 p.m. in Courtroom No. 5. The trial date was continued to
October 4, 2011, at 9:00 a.m. in Courtroom No. 5. The parties
are directed to file revised pretrial statements 14 days before
the Final Pretrial Conference. In their revised pretrial
statements, the parties shall include only witnesses that they

1 actually intend to call and exhibits that they actually intend to
2 offer at trial.

3 The court informed counsel that it is disinclined to
4 decide defendant's motions with respect to punitive damages and
5 recovery of the cost of the drug prior to trial. Any challenges
6 to proffered expert testimony based on Daubert v. Merrell Dow
7 Pharmaceuticals, Inc., 509 U.S. 579 (1993), and Kumho Tire Co. v.
8 Carmichael, 526 U.S. 137 (1999), shall be raised and resolved
9 outside the presence of the jury just prior to when the
10 challenged expert will be called to give testimony. Any
11 challenged expert shall be present for such a challenge, and
12 shall be available for questioning.

13 IT IS SO ORDERED.

14 DATED: February 8, 2011

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16 WILLIAM B. SHUBB
17 UNITED STATES DISTRICT JUDGE
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