

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

VIRGINIA CHAMBERS, surviving *
spouse of Bobby Lee Chambers on *
behalf of all legal heirs of *
Bobby Lee Chambers; VIRGINIA *
CHAMBERS, executor of the *
estate of Bobby Lee Chambers *

Plaintiffs,

CASE NO. 4:15-CV-68 (CDL)

vs.

BOEHRINGER INGELHEIM *
PHARMACEUTICALS, INC., *

Defendant. *

O R D E R

Plaintiff Virginia Chambers brought this products liability action against Defendant Boehringer Ingelheim Pharmaceuticals ("Boehringer") for alleged inadequate warnings and defective design regarding one of its products, Pradaxa. Plaintiff intends to offer articles written by Thomas J. Moore appearing in *BMJ*, a medical journal, as evidence in her case. Boehringer has filed a motion in limine to exclude Moore's articles. See Def.'s Mot. in Limine No. 13, ECF No. 72.

Last month, as part of related litigation in Connecticut state court, Boehringer deposed Mr. Moore. Before the deposition, Plaintiff moved for a protective order preventing Boehringer from designating any of that deposition testimony for use in this

action, since the deposition took place after discovery closed. See Pl.'s Mot. for Protective Order & Objs., ECF No. 114. Because time was of the essence, the Court granted Plaintiff's motion before Boehringer could respond. See Order Granting Pl.'s Mot. for Protective Order (Aug. 28, 2018), ECF No. 115. But the Court provided that Boehringer could seek reconsideration of that order, which it promptly did. See Def.'s Mot. for Reconsid., ECF No. 116.

The Court concludes that if Plaintiff introduces Moore's articles, Boehringer should have the opportunity to present Moore's deposition testimony in response. Therefore, Boehringer's motion for reconsideration (ECF No. 116) is granted. Boehringer shall be permitted to designate Moore's deposition testimony for use in this trial, but it shall only be admissible if Plaintiff introduces Moore's articles.

Additionally, the parties have filed a joint motion to stay the pretrial deadlines related to deposition designations, counter-designations, and objections pending the Court's ruling on the parties' twenty-two motions in limine.¹ See Joint Mot. to Amend Pretrial Deadline Regarding Dep. Designations, ECF No. 124. That motion is also granted. The Court hopes to rule on the

¹ Though Plaintiff only filed two motions in limine, one is an "omnibus" motion that seeks to exclude five types of evidence. See Pl.'s Omnibus Mot. in Limine, ECF No. 58.

parties' motions in limine, including Boehringer's motion to exclude Moore's articles, in advance of the November 1 pretrial conference.

IT IS SO ORDERED, this 20th day of September, 2018.

S/Clay D. Land

CLAY D. LAND

CHIEF U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA