

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

J.F., a minor by BEATRICE SIFUENTES)
 individually as next friend of J.F.,)
)
 and)
)
 E.R.G., a minor by CHRISTINA)
 RAQUEL individually as next friend of)
 E.R.G.,)
)
 Plaintiffs,)
)
 vs.)
)
 ABBOTT LABORATORIES, INC.,)
)
 Defendant.)

Case No. 14-CV-847-NJR-SCW
Case No. 15-CV-702-NJR-SCW

ORDER

ROSENSTENGEL, District Judge:

The next jury trial in the Depakote mass action will begin on May 23, 2017. *Raquel, Sifuentes, Pyszkowski* (E.P.), and *Pyszkowski* (C.P.) were selected as possible cases for the May 2017 slot. On several prior occasions, the Court has discussed the use of a Special Master to assist in preparation for trial. The need for assistance is directly related to the parties' presentation method in the current Depakote trials. For example, the latest Depakote trial in the Northern District of Ohio utilized "roughly 20 or so" video depositions. (Case No. 12-CV-52, Doc. 797, pp. 10-11). Such a large amount of video testimony will undoubtedly result in a multitude of deposition designations and objections that must be resolved before the trial can progress. Additionally, the concomitant preparation of several cases for the same trial slot will exponentially

increase the volume of deposition designations that must be resolved within the same window usually occupied by one single case.

Given the massive and complicated workload the parties will be generating, the Court is strongly inclined to: (1) appoint the Honorable Daniel J. Stack¹ as Special Master in this case, and (2) direct him to provide recommended rulings on some of the pretrial motions, including deposition designations, as well as other issues that may arise before trial. The Court urges the parties' to consent to this appointment, pursuant to Federal Rule of Civil Procedure 53(a)(1)(A); however, it appears present circumstances may make this appointment appropriate even without party consent, pursuant to Rule 53(a)(1)(C).²

Judge Stack is directed file an affidavit directed to his experience and any potential conflicts on or before **March 30, 2017**. The parties shall file any objections to the Court's intent to appoint the Honorable Daniel J. Stack as Special Master in this case to perform the duties outlined above on or before **April 3, 2017**.³

IT IS SO ORDERED.

DATED: March 27, 2017



NANCY J. ROSENSTENGEL
United States District Judge

¹ Judge Stack's contact information is: The Honorable Daniel J. Stack, 711 N. 11th St., St. Louis, Missouri 63101; djstack@me.com; 618-792-8604; <http://aequitasadr.com/team/daniel-j-stack/>.

² Rule 53(a)(1)(A) states the Court may appoint a Special Master to "perform duties consented to by the parties." Rule 53(a)(1)(C) adds the Court may appoint a Special Master to "address pretrial and posttrial matters that cannot be effectively and timely addressed by an available district judge or magistrate judge of the district," even without party consent.

³ "Before appointing a master, the Court must give the parties notice and an opportunity to be heard." FED. R. CIV. P. 53(b)(1).