

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSMICHELE FECHO, et al,
Plaintiffs,

V.

CIVIL ACTION NO.
11-10152-MBBELI LILLY AND COMPANY, et al,
Defendants.**ORDER FOR SUMMARY JURY TRIAL****September 11, 2012****BOWLER, U.S.M.J.**

The above entitled action will be called for a three day, non-binding summary jury trial on October 22, 2010, at 9:30 a.m. The trial will involve one plaintiff to be designated by plaintiffs' counsel on or before September 18, 2012, and defendant Eli Lilly and Company ("defendant").

On or before the close of business on October 15, 2012, plaintiffs and defendant shall file a joint pretrial memorandum. The joint pretrial memorandum will set forth:

1. A brief summary of the subject matter categories that will be addressed by the parties during the trial;
2. A joint, brief, one paragraph statement of the case to be read to the venire in order to ascertain whether any member of the venire has prior knowledge of the case;
3. Any question raised by a pending motion with respect to

the summary jury trial;

4. The names of each witness, including any expert witness designated as such, and whether the witness will be appearing live, by deposition or by report read into evidence as well as the purpose of the testimony of each witness. Plaintiffs' and defendant's counsel shall identify the excerpts of any deposition or expert report they anticipate offering into evidence to opposing counsel on or before October 15, 2012;

5. The proposed exhibits;

6. Proposed juror questions to be addressed to the venire;

7. Joint proposed jury instructions. The parties shall confer and reach an agreement on each proposed jury instruction. Instructions shall be brief and concise statements of the law without any elaboration of the facts. In the event plaintiffs and defendant's counsel cannot agree upon one or more of the proposed instructions, they may submit no more than three alternative proposed instructions which shall contain citations to legal authority to support the particular language employed.

The court will be mailing copies of jury instructions used in the past to plaintiffs' counsel, defendant's counsel and counsel for Bristol-Meyers Squib Company in order to assist the parties in crafting the joint instructions. Any party may contact defendant's counsel in the event the party wishes to obtain a copy;

8. Proposed special verdict form; and
9. Whether plaintiffs or defendant will require daily copy of the trial transcript.

/s/ Marianne B. Bowler
MARIANNE B. BOWLER
United States Magistrate Judge