

4. The trial will begin November 1, 2011. A final pretrial conference will be held by phone on September 27, 2011 at 10:00 a.m. Lead trial counsel for both parties must participate in this conference.

5. The trial will be used to try the individual claims asserted by Plaintiff, prove class wide damages, prove the amount of class wide damages, and address any legal question common to the class not related to Defendant's liability concerning whether 20 CSR 400-7.100 (the "copy regulation") applies to prescription drugs. There will be no subsequent trial to address individual class members' claims.

On or before June 1, 2011, Defendant shall file a brief identifying in detail (1) any legal question common to the class not related to its liability under the copay regulation that Defendant believes remain outstanding and should be addressed at trial, (2) any evidence it proposes to present at trial relating to those legal questions, (3) any affirmative defense it proposes to present with respect to Plaintiff's claim, and (4) any evidence it proposes to present at trial on behalf of its affirmative defense. This brief shall not exceed fifteen pages. Plaintiff shall then have twenty-one days to file a response, and Plaintiff's brief shall not exceed fifteen pages. Defendant shall then have fourteen days to file any reply, and the reply shall not exceed seven pages. After reviewing the briefs the Court will determine what, if any, legal questions common to the class remain outstanding and will be addressed at trial, and what, if any, affirmative defenses remain outstanding and will be presented at trial.

IT IS SO ORDERED.

Date: May 11, 2011

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT