

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PATRICIA CARROLL, individually and as
personal representative of THE ESTATE OF
RONALD KENNETH CARROLL, deceased,

Plaintiff,

v.

JOHN CRANE INC.,

Defendant.

OPINION AND ORDER

15-cv-373-wmc

This case is set for trial commencing on Monday, July 17, 2017, at 9:00 a.m. The court held a partial telephonic final pretrial conference on July 11, 2017, at which the parties appeared by counsel. The court made several rulings and set deadlines for additional filings during that hearing, which this order now formalizes.

ORDER

IT IS ORDERED that:

- 1) Plaintiffs' sub-motions *in limine* Nos. 2, 3, 35 and 37 (dkt. #469) are GRANTED in part and DENIED in part consistent with the court's rulings on the record.
- 2) Plaintiffs advised the court during the telephonic conference that their sub-motion *in limine* No. 23 (dkt. #469) is withdrawn.
- 3) Plaintiffs' sub-motion *in limine* No. 21 (dkt. #469) is GRANTED.
- 4) Plaintiffs' sub-motion *in limine* No. 27 (dkt. #469) is RESERVED. On or before Thursday, July 13, 2017, at 10:00 a.m., defendant may submit a short brief on legal authority supporting the admission of extrinsic evidence of criticism of studies relied upon by an expert witness if denied on impeachment.

- 5) Plaintiffs' sub-motions *in limine* Nos. 29 and 32 (dkt. #469) are GRANTED in part and DENIED in part as set forth on the record.
- 6) Defendant's sub-motion *in limine* No. 5 (dkt. #452) is RESERVED. On or before Thursday July 13, 2017, at 10:00 a.m., plaintiffs may also submit a short brief on legal authority supporting the admission of extrinsic evidence of sources of funding for studies relied upon by an expert witness if denied on impeachment.
- 7) Defendant's sub-motion *in limine* No. 8 (dkt. #452) is GRANTED in part and DENIED in part as set forth on the record.
- 8) Defendant's motion for protective order (dkt. #440) is GRANTED in part and DENIED in part as set forth on the record.
- 9) Consistent with the court's ruling at the telephonic conference, by the end of the day on Wednesday, July 12, 2017, the parties are directed to file pared-down exhibit lists containing only exhibits that they realistically expect will be introduced into evidence at trial. The parties shall file objections to those revised exhibit lists by the end of the day on Thursday, July 13, 2017. The court will take up any remaining objections to exhibits during a telephonic conference on Friday, July 14, 2017, at 12:30 p.m.
- 10) Although not discussed at today's telephonic conference, the parties are further directed as follows:
 - a) Defendant may file amended objections to the designated deposition testimony of Dana Hollins on or before Thursday, July 13, 2017, at 10:00 a.m.
 - b) By the end of the day on Thursday, July 13, 2017, plaintiffs shall file pared-down deposition designations consistent with the court's rulings at today's telephonic conference, as well as consistent with an effort to streamline the presentation of evidence and avoid presenting cumulative testimony. In particular, plaintiffs should avoid designating repeated testimony in the depositions of George Springs. Additionally, plaintiffs' pared-down deposition designations should: (i) be separated by whether they will be offered during the liability phases of trial or the damages phase of trial; (ii) be presented in the form of a color-coded transcript, with plaintiffs' amended, proponent designations clearly marked in one color, defendant's counter-designations clearly marked in another color and the parties' objections to designated testimony clearly marked with brackets.
 - c) By Friday, July 14, 2017, at 10:00 a.m., defendant may file any amended objections to plaintiffs' pared-down deposition designations and

counter-designations, but only if those objections or counter-designations are different than those listed in the parties' Joint Deposition Designations (dkt. #533).

d) Before filing their amended exhibit lists, the parties shall meet and confer regarding the numbering of trial exhibits so as to number exhibits in a manner to avoid duplication between plaintiffs' exhibits and defendant's exhibits, as well as to avoid numbering exhibits with decimal places. If truly necessary, sub-exhibits may be designated by alphabet (*e.g.*, Ex. 1A, 1B, etc.).

e) By Friday, July 14, 2017, at 10:00 a.m., defendant shall provide the court copies of all contested exhibits, either in electronic or hard-copy form, that are clearly marked and organized by number. If submitted electronically, the file names of the exhibits shall consist only of the exhibit number.

f) The parties shall ensure that any attorneys who will appear as counsel in this case have filed a notice of appearance.

11) The court will continue the final conference by telephone at 12:30 p.m. on Thursday, July 13, 2017, and at 12:30 p.m. on Friday, July 14, 2017, to address issues remaining before trial. Plaintiff is responsible for setting up the call to Chambers at 608-264-5087.

Entered this 11th day of July, 2017.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge