

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PHILIPS RECALLED CPAP,
BI-LEVEL PAP, AND MECHANICAL
VENTILATOR PRODUCTS LIABILITY
LITIGATION**

Master Docket: No. 21-mc-1230-JFC

MDL No. 3014

This Document Relates to:

*All Personal Injury and Medical Monitoring
Cases*

**SCHEDULING ORDER SETTING AND/OR REVISING CERTAIN
DEADLINES FOR THE
PERSONAL INJURY AND MEDICAL MONITORING TRACKS**

Upon consideration of the parties' joint motion, the following deadlines shall apply:¹

I. Individual Personal Injury Claims

Date	Individual Personal Injury Claims
2/16/2024	Settlement Mediator Welsh report to Court on status of mediations of personal injury claims.
4/30/2024	Conclusion of general causation fact discovery.
5/30/2024	Plaintiffs' Rule 26(a)(2) expert disclosures on general causation.
7/30/2024	Defendants' Rule 26(a)(2) expert disclosures on general causation. Conclusion of generally-applicable fact discovery, including Defendant and non-party depositions (this deadline does not include case-specific fact discovery). ²

¹ This Order amends and supersedes the deadlines for the Medical Monitoring track in ECF No. 1911. All dates herein assume timely completion of production. Further, the parties reserve their full rights to seek a different schedule if there are any further amendments permitted by the Court to one or more of the operative complaints.

² The parties recognize that, given the nature of the personal injury claims in the MDL, the factual record and issues may evolve after the close of generally applicable fact discovery. To the

Date	Individual Personal Injury Claims
8/30/2024	Parties to submit stipulated or competing proposals for selection of individual bellwether personal injury cases. Plaintiffs' Rule 26(a)(2) rebuttal expert disclosures on general causation.
10/30/2024	Deadline to complete expert depositions on general causation.
12/2/2024	Deadline to file Rule 702/Daubert motions on general causation experts.
1/17/2025	Deadline for Parties to file oppositions to Rule 702/Daubert motions on general causation experts. ³
2/18/2025	Deadline for reply briefs on Rule 702/Daubert motions on general causation.
3/2025 or 4/2025	<i>Potential hearing date on Rule 702/Daubert motions on general causation (subject to Court's scheduling).</i>

Schedule for summary judgment motions on general causation to be set by further order of Court after deadline for filing of Rule 702/Daubert motions. Schedule for completion of fact and expert discovery and motion practice on specific cases to be set by further order of Court.

II. Medical Monitoring Putative Class Action

Date	Medical Monitoring Putative Class Action
2/16/2024	Settlement Mediator Welsh to report to Court on status of mediations of medical monitoring claims.
4/30/2024	Conclusion of all fact discovery related to class certification, including Party and non-party fact depositions.
5/30/2024	Plaintiffs' Rule 26(a)(2) expert disclosures relevant to class certification.
7/30/2024	Defendants' Rule 26(a)(2) expert disclosures relevant to class certification.
8/30/2024	Plaintiffs' Rule 26(a)(2) rebuttal disclosures relevant to class certification.
10/30/2024	Deadline to complete expert depositions relevant to class certification.

extent that plaintiffs or defendants request supplemental discovery in connection with the prosecution of personal injury claims thereafter, the parties shall confer on such request and the appropriate scope thereof. In the event the parties are unable to reach agreement, the matter shall be presented to the Court for resolution.

³ Depending on the number of Rule 702/Daubert motions that are filed, the parties may seek an extension of time to file oppositions and reply briefs.

Date	Medical Monitoring Putative Class Action
12/2/2024	Deadline to file Rule 702/Daubert motions on class certification issues.
1/17/2025	Deadline to file Rule 702/Daubert oppositions on class certification issues.
2/18/2025	Deadline to file reply briefs on Rule 702/Daubert motions on class certification issues.
3/2025 or 4/2025	<i>Potential hearing date for Rule 702/Daubert motions on class certification experts (subject to Court's scheduling)</i>

Schedule for class certification motions to be set by further order of Court after deadline for filing Rule 702/Daubert motions.

DONE and **ORDERED** this 21st day of November, 2023.

s/Joy Flowers Conti
HONORABLE JOY FLOWERS CONTI
Senior United States District Judge