

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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IN RE: Family Dollar Stores, Inc.,	)	
Pest Infestation Litigation	)	
	)	
This Document Relates To:	)	2:22-md-03032-SHL-tmp
ALL CASES	)	(MDL Docket No. 3032)
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**CASE MANAGEMENT ORDER NO. 8: SETTING ADDITIONAL DEADLINES**

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Pursuant to written notice, a scheduling conference was held on September 12, 2022. Present were Co-Lead Counsel for Plaintiffs, Gerard Stranch and Sterling Aldridge, State Court Litigation Liaison Counsel for Plaintiffs, James Streett, members of Plaintiffs' Steering Committee, and Co-Lead Counsel for Defendants, Christopher Chorba, Jason Meltzer and Jesenka Mrdjenovic. At the conference, the following dates were established as the final deadlines for:

**ADR DEADLINE PURSUANT TO ADR PLAN RULE 43(a):** **January 31, 2023**

**CLASS CERTIFICATION EXPERT DISCLOSURES**

- 1) **DEADLINE FOR PLAINTIFFS TO DISCLOSE THE NAMES, CURRICULUM VITAE, AND GENERAL SUBJECT AREAS OF EXEPECTED TESTIMONY FOR ALL EXPERTS IN SUPPORT OF MOTION FOR CLASS CERTIFICATION:** **January 19, 2023**
  
- 2) **DEADLINE FOR DEFENDANTS TO DISCLOSE THE NAMES, CURRICULUM VITAE, AND GENERAL SUBJECT AREAS OF EXPECTED TESTIMONY FOR ALL EXPERTS IN OPPOSITION TO MOTION FOR CLASS CERTIFICATION:** **February 20, 2023**
  
- 3) **DEADLINE FOR PLAINTIFFS TO DISCLOSE THE NAMES, CURRICULUM VITAE, AND GENERAL SUBJECT AREAS OF EXPECTED TESTIMONY FOR ALL EXPERTS TO REBUT DEFENDANTS' EXPERTS (if any):** **March 13, 2023**

- 4) **CLOSE OF CLASS CERTIFICATION, EXPERT DISCOVERY, AND EXPERT DEPOSITIONS:** The parties will work together to timely schedule depositions as they will occur concurrently with briefing on class certification.

#### **CLASS CERTIFICATION**

- 1) **DEADLINE FOR PLAINTIFFS TO FILE MOTIONS FOR CLASS CERTIFICATION AND SERVE ANY EXPERT REPORTS RELATED TO CLASS CERTIFICATION:** **March 20, 2023**
- 2) **DEADLINE FOR DEFENDANTS TO RESPOND TO MOTIONS FOR CLASS CERTIFICATION AND SERVE ANY EXPERT REPORTS RELATED TO CLASS CERTIFICATION:** **May 19, 2023**
- 3) **DEADLINE FOR PLAINTIFFS TO FILE REPLIES IN SUPPORT OF MOTIONS FOR CLASS CERTIFICATION AND SERVE ANY REBUTTAL EXPERT REPORTS RELATED TO CLASS CERTIFICATION:** **June 19, 2023**
- 4) **DEADLINE TO FILE ANY *DAUBERT*/RULE 702 MOTIONS FOR CLASS CERTIFICATION EXPERTS:** **June 30, 2023**
  - a. **Response briefs must be filed within twenty-one (21) days of service of any motion and replies must be filed within fourteen (14) days of service of any response.**

**If the Court conducts a hearing on the class certification and *Daubert*/Rule 702 Motions, it will be set at a later date.**

#### **MONTHLY STATUS CONFERENCES**

The Court will continue to hold monthly status conferences to discuss relevant updates, progress on deadlines, and issues regarding the litigation. Informal reports must be submitted to Chambers three (3) days in advance of each monthly conference.

The next Status Conference will take place via Teams on **Monday, October 17, 2022, at**

**11 a.m.** The following Status Conferences are also scheduled via Teams:

November 18, 2022  
December 16, 2022

Additional conferences will be set as the litigation moves forward. If there is nothing to address at a conference, it will be cancelled.

**OTHER RELEVANT MATTERS**

The Parties disagreed on two issues during the status conference: pre-class certification expert disclosure deadlines and the scope of discovery. Regarding the first issue, after discussing it with the Parties, the Court offers the following statements:

- 1) Plaintiffs were concerned that an early deadline for expert disclosures related to class certification could potentially preclude them from hiring additional experts should information divulged late in discovery, but still prior to certification, suggest that they need one. The Court informed the Parties that it would look favorably on a Motion for the late addition of an expert under these circumstances.
- 2) The Court informed the Parties that the deadlines involving pre-certification expert disclosures could be revisited at a later date should future discovery justify any extensions.

On discovery, the Parties disagreed on two narrower issues: (1) whether the Court should grant the Parties additional depositions in excess of Federal Rule of Civil Procedure 30's maximum of ten (10) without filing for leave of court; and (2) the scope of discovery before class certification. The Court declined Plaintiff's request to grant the Parties additional depositions at this early stage, preferring instead to only address specifically disputed depositions beyond ten. If there are such specific disputes, the Court will consider them at that point. The Court also declined to demarcate specific areas for the Parties to focus on for pre-certification discovery, instead suggesting that the Parties further negotiate scope issues, specifically potential factual stipulations for certification purposes only, which might keep discovery focused for now.

***This order has been entered after consultation with the Parties. Absent good cause show, the deadlines set by this Order will not be modified or extended.***

**IT IS SO ORDERED**, this 12th day of September, 2022.

s/ Sheryl H. Lipman  
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SHERYL H. LIPMAN  
UNITED STATES DISTRICT JUDGE