

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION**

**IN RE: SKECHERS TONING SHOE  
PRODUCTS LIABILITY LITIGATION**

**Master File No. 3:11-MD-2308-TBR  
MDL No. 2308**

**THIS DOCUMENT RELATES TO ALL  
CASES**

**THOMAS B. RUSSELL  
U.S. DISTRICT JUDGE**

**SCHEDULING ORDER NO. 1**

**I. SCOPE OF ORDER**

This Scheduling Order applies to all personal injury actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to its order of December 19, 2011, and all related personal injury actions originally filed in this Court or transferred or removed to this Court, as well as any tag-along personal injury actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 7.1 of the Rules of Procedure of that Panel subsequent to the filing of the final transfer order by the Clerk of this Court, and any related personal actions subsequently filed in this Court or otherwise transferred or removed to this Court, against Skecher, USA, Inc. (“Skechers”), Skechers, USA, Inc. II (“Skechers II”), and any other defendants (collectively, “Other Defendants”) in this action.

**II. PRETRIAL SCHEDULE**

**A. Applicability**

Except where expressly stated otherwise in this Order, in subsequent Orders of this Court or by express written stipulation by Lead Counsel for the parties or their designees, the Federal Rules of Civil Procedure shall control the obligations, limits, sequence, and timing of discovery in these cases.

**B. Case Groups**

For the purposes of pretrial proceedings the following case groups are hereby established:

**1. Case Group 1:** Any personal injury action pending in MDL 2308 on or before June 6, 2012, shall be part of the group designated as Case Group 1.

**2. Case Group 2:** Any personal injury action which is filed directly in this Court or for which a Conditional Transfer Order is filed with the Clerk of this Court or the case is transferred from within this District to the MDL after June 6, 2012, and on or before September 4, 2012, shall be part of the group designated as Case Group 2.

**3. Case Group 3:** Any personal injury action which is filed directly in this Court or for which a Conditional Transfer Order is filed with the Clerk of this Court or the case is transferred from within this District to the MDL after September 4, 2012, and on or before December 3, 2012, shall be part of the group designated as Case Group 3.

**4. Additional Case Groups:** Additional personal injury action which are filed directly in this Court or for which a Conditional Transfer Order is filed with the Clerk of this Court or the case is transferred from within this District to the MDL after December 3, 2012, shall be designated by sequential number for each 90-day period thereafter, and all deadlines listed below shall likewise be extended for 90 days from the deadline for the immediately preceding Case Group.

**C. Deadlines for Filing Amended or Consolidated Pleadings**

**1. Case Group 1:** Amended or consolidated pleadings shall be filed in Case Group 1 on or before June 21, 2012.

**2. Case Group 2:** Amended or consolidated pleadings shall be filed in Case Group 2 on or before September 19, 2012.

3. **Case Group 3:** Amended or consolidated pleadings shall be filed in Case Group 3 on or before December 18, 2012.

**D. Deadlines for Non-Expert Discovery**

1. **Case Group 1:** All non-expert fact discovery for Case Group 1 shall be completed on or before December 6, 2013.

2. **Case Group 2:** All non-expert fact discovery for Case Group 2 shall be completed on or before March 4, 2014.

3. **Case Group 3:** All non-expert fact discovery for Case Group 3 shall be completed on or before June 2, 2014.

**E. Deadlines for Dispositive Motions**

1. **Case Group 1:** The deadline for filing commencing briefs for dispositive motions in Case Group 1 shall be November 3, 2014. Response briefs shall be filed by January 9, 2015, and reply briefs shall be filed by February 13, 2015.

2. **Case Group 2:** The deadline for filing commencing briefs for dispositive motions in Case Group 2 shall be February 1, 2015. Response briefs shall be filed by April 9, 2015, and reply briefs shall be filed by May 14, 2015.

3. **Case Group 3:** The deadline for filing commencing briefs for dispositive motions in Case Group 3 shall be May 2, 2015. Response briefs shall be filed by July 8, 2015, and reply briefs shall be filed by August 12, 2015.

**F. Deadlines for Expert Discovery and *Daubert* Motions**

1. **For Case Group 1:** The Plaintiffs shall identify and disclose any expert witnesses on or before February 14, 2014. The Defendants shall identify and disclose any expert witnesses on or before March 11, 2014. The Plaintiffs and Defendants shall identify and disclose

any rebuttal expert witnesses on or before May 16, 2014. Expert witness discovery shall be completed on or before September 5, 2014. The deadline for filing commencing briefs for *Daubert* motions shall be November 3, 2014. Response briefs shall be filed by January 9, 2015, and reply briefs shall be filed by February 13, 2015.

**2. For Case Group 2:** The Plaintiffs shall identify and disclose any expert witnesses on or before May 15, 2014. The Defendants shall identify and disclose any expert witnesses on or before June 9, 2014. The Plaintiffs and Defendants shall identify and disclose any rebuttal expert witnesses on or before August 14, 2014. Expert witness discovery shall be completed on or before December 4, 2014. The deadline for filing commencing briefs for *Daubert* motions shall be February 1, 2015. Response briefs shall be filed by April 9, 2015, and reply briefs shall be filed by May 14, 2015. Except for good cause shown by motion to the Court, the parties may not re-depose any expert previously deposed during expert discovery in Case Group 1.

**3. For Case Group 3:** The Plaintiffs shall identify and disclose any expert witnesses on or before August 13, 2014. The Defendants shall identify and disclose any expert witnesses on or before September 7, 2014. The Plaintiffs and Defendants shall identify and disclose any rebuttal expert witnesses on or before November 12, 2014. Expert witness discovery shall be completed on or before March 4, 2015. The deadline for filing commencing briefs for *Daubert* motions shall be May 2, 2015. Response briefs shall be filed by July 8, 2015, and reply briefs shall be filed by August 12, 2015. Except for good cause shown by motion to the Court, the parties may not re-depose any expert previously deposed during expert discovery in Case Group 1 or Case Group 2.

**Telephonic Status Conferences**

1. **Case Group 1:** A telephonic conference for Case Group 1 is scheduled for April 3, 2015.
2. **Case Group 2:** A telephonic conference for Case Group 2 is scheduled for July 2, 2015.
3. **Case Group 3:** A telephonic conference for Case Group 3 is scheduled for September 30, 2015.

**IT IS SO ORDERED.**