

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

# **PLAINTIFF'S MOTION TO SET SCHEDULE FOR *DAUBERT MOTIONS***

Plaintiff, by counsel, requests that the Court set a schedule for submission of motions challenging Rule 702 witnesses under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

Grounds for this motion are as follows:

1. The parties have been unable to resolve this case, notwithstanding the efforts of Magistrate Judge Cole at the settlement conference held on June 7, 2021.

2. Defendants have designated four Rule 702 retained experts and plaintiff has designated three. Plaintiff intends to ask the Court to bar or limit the opinions of the defense experts, and plaintiff anticipates that the defense will have a similar strategy.

3. A ruling by the Court on the *Daubert* motions may cause the parties to revisit their settlement positions and renew settlement discussions. In the alternative, a ruling on *Daubert* motions will narrow the issues to be presented in dispositive motions and at trial.

4. Accordingly, plaintiff requests that the Court set a schedule for *Daubert* motions. Plaintiff suggests a simultaneous briefing schedule, with motions to be filed within 14 days, responses 21 days thereafter, and replies within 7 days.

5. Plaintiff's undersigned counsel conferred with defense counsel William Ragen about this motion by phone on June 10, 2021. Mr. Ragen requested until June 16, 2021 to provide his clients' position.

Respectfully submitted,

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