

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

GARY STEVENS,)
)
 Plaintiff,)
)
 v.) Case No. 12-1414-EFM
)
 NOVARTIS PHARMACEUTICALS)
 CORPORATION,)
)
 Defendant.)

ORDER

The undersigned U.S. Magistrate Judge, James P. O’Hara, held a status conference in this case on November 18, 2013. Participating in the conference were Daniel Osborn and Lawrence Lennemann on behalf of plaintiff; Todd Tedesco and Matthew Malinowski on behalf of defendant; and John Vecchione on behalf of the plaintiff steering committee of MDL 1760, *In re Aredia/Zometa Products Liability Litigation* (pending before the United States District Court for the Middle District of Tennessee), which has filed a motion to intervene in this action (*see* doc. 83).

During the conference, the parties discussed their differing interpretations of footnote 4 to the April 25, 2013 Scheduling Order. Footnote 4 stated that at the time the parties disclose their experts, “at least three full-day deposition settings shall be made available to opposing counsel within the ensuing 30-day period.”¹ The undersigned clarified that

¹Doc. 46 at 7 n.4.

footnote 4 requires each party to provide, for *each* expert disclosed, three dates on which that expert is available to be deposed. It is the court's understanding that the parties plan to move forward with scheduling the depositions of plaintiff's experts despite plaintiff's pending motion for review of the undersigned's order compelling plaintiff to provide the possible deposition dates (doc. 77).

The court and parties also briefly discussed the MDL plaintiff steering committee's motion for leave to intervene in this action. Defendant filed its opposition to the motion on November 18, 2013 (doc. 85). The proposed intervenors have committed to file their reply on November 19, 2013.

Dated November 19, 2013, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge