

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>IN RE: TAXOTERE (DOCETAXEL)</b>	)	<b>MDL No. 16-2740</b>
<b>PRODUCTS LIABILITY LITIGATION</b>	)	
	)	<b>SECTION: "H" (5)</b>
	)	
<b>This document relates to all cases</b>	)	

**TRIAL PREPARATION AND PROCEDURES**

Pursuant to the pretrial conference in this matter held October 20, 2021,

**IT IS ORDERED THAT:**

1. Jury trial of this matter shall commence at 8:30 a.m. on **November 8, 2021**. Estimated length of trial is 10 days. Counsel should be present at 8:15 a.m. in the event there remain any issues that must be addressed before trial begins.

2. On or before **November 1, 2021**, the parties shall electronically file:

(A) A single joint jury instruction document containing agreed to instructions and the parties' respective positions regarding disputed instructions (parties need only refer to numbers of pattern charge)<sup>1</sup>, and

(B) A single joint verdict form containing agreed-to elements and the parties' respective positions regarding disputed elements.

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<sup>1</sup> In the event that any unusual jury instruction requires explanation beyond mere citation to authority, counsel should file briefing with jury instructions.

(C) A joint statement of the case to be read by the Court to prospective jurors prior to voir dire. The statement should not be more than three or four sentences.

3. On or before **November 5, 2021**, the parties shall deliver exhibits to chambers, with a corresponding exhibit list. Because the exhibit list is voluminous, the exhibits should be delivered in thumb drive format. The parties shall delineate those exhibits that are submitted without objection and those to which an objection has been or will be lodged. The parties need not disclose exhibits relating to impeachment.

**On the evening before each day of trial**, the parties shall provide the Court with a list of exhibits each party intends to introduce into evidence the following day along with any objections to such exhibits using the format identified as Sample 1, attached hereto. On the date of trial, the parties shall bring to Court a set of exhibits, properly marked for identification, which counsel intends to introduce into evidence.

If counsel wishes to display exhibits to the members of the jury, counsel should be properly versed in the courtroom's evidence presentation equipment. Counsel shall contact the case manager at (504) 589-7695 to schedule a brief training session on the use of electronic equipment.

4. Absent a showing of good cause, no deposition testimony will be received in a party's case in chief unless identified in the Pretrial Order.

Additionally, the parties shall, prior to trial, meet and agree as to the elimination of all irrelevant and repetitive matter and all colloquy between counsel. The parties shall, in good faith, attempt to resolve all objections to testimony so that the Court will be required to rule only on those objections to which they cannot reach an agreement as to their merit.

Any objection not resolved prior to the trial shall be presented to the Court at that time in the same format previously used for deposition designations in this case.

5. The parties shall exchange any demonstrative exhibits that they intend to use in opening statements **by noon on the Thursday preceding trial**. Objections to opening statement demonstratives shall be made in the manner set forth in the parties' proposed final pretrial order. The Court does not permit display of trial or deposition transcripts to the jury during opening or closing arguments.

6. Each trial day after the first will begin at 8:30 a.m. and conclude at 5:00 p.m. There will be a one (1) hour break for lunch and a fifteen (15) minute break in the morning and in the afternoon.

7. The jury will be composed of eight (8) jurors. Each party will have 3 peremptory challenges.

8. Counsel will stand when they address the Court, make objections, or examine witnesses. When making an objection, counsel will state the relevant rule and the basis for the objection. Speaking objections are not permitted.

9. The parties will be each allowed 15 minutes for voir dire, subject to a reduction in time after the first panel of jurors have been questions at the Court's discretion.

10. The parties will each be allowed 45 minutes for opening statements.

11. Plaintiff is allowed 26 hours to present her case, and Defendants are allowed 22 hours to present its case. The Court reporter will monitor time. Each party should designate one person to monitor the time daily as well.

12. The Court adopts the Proposed Final Pretrial Order (Doc. 13330) filed by the parties in full except to the extent modified herein.

If needed during trial, counsel are invited to use the Michaelle Pitard Wynne Attorney Conference Center located in Room B-245 on the second floor of the Hale Boggs Federal Building near the crossover to the Courthouse. The space features three private conference rooms, a lounge, and a computer workroom with internet, copy, fax and print services. Details and information on these services including conference room reservations can be found at <http://nofaba.org> or by contacting the Executive Director at 504-589-7799 or [fbaneworleans@gmail.com](mailto:fbaneworleans@gmail.com).



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HON. JANE TRICHE MILAZZO  
UNITED STATES DISTRICT JUDGE

SAMPLE 1

**Joint Exhibits**

Exhibit No.	Description		
J-1	Acme Corp. First Report of Injury		

**Plaintiff's Exhibits**

Exhibit no.	Description	Objection	Response
P-1	Medical Records - Ochsner	Hearsay	FRE 803(4)
P-2	Medical Bills of Plaintiff	Authenticity	Plaintiff will authenticate

**Defendant's Exhibits**

Exhibit no.	Description	Objection	Response
D-1	Safety meeting minutes	Hearsay	FRE 803(6)
D-2			