

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

In re: Bausch & Lomb Contact Lens) C.A. No. 2:06-MN-77777-DCN
Solution Products Liability Litigation)
) PRETRIAL ORDER NO. 21
)
)
This Order Relates to All Cases)
)
_____)

**IN THE SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

In re: New York ReNu with MoistureLoc)
Product Liability Litigation) Index No. 766,000/07
)
) Supplemental Case Management Order
) re: Fusarium Bellwether Trial Cases
This Order Relates to All Cases)
_____)

SCHEDULING ORDER FOR THE FUSARIUM BELLWETHER TRIAL CASES

It is hereby ordered that the dates set in Pre-Trial Order No. 10, dated November 14, 2007, and Pre-Trial Order No. 16, dated June 6, 2008, be amended as follows:

I. EXPERT WITNESS DISCOVERY SCHEDULE

A. Expert Witness Reports

Plaintiffs will produce expert witness reports relating to non case specific causation in all cases and to specific causation for any pending bellwether cases by November 1, 2008.

Defendants will produce defendants' expert witness reports relating to non case specific causation in all cases and to specific causation for any pending bellwether cases by December 15, 2008.

B. Expert Depositions

Plaintiffs' expert witnesses shall be deposed between January 1, 2009 and January 31, 2009. Defendants' expert witnesses shall be deposed between February 1, 2009 and March 1, 2009.

II. SCHEDULE DAUBERT/FRYE MOTIONS**A. Motions and Briefing Schedule**

The parties shall file an *Daubert/Frye* motions in all Bellwether trial cases on or before March 23, 2009. Opposition briefs and memorandum shall be filed on or before April 10, 2009. Reply briefs and memoranda shall be filed on or before April 20, 2009.

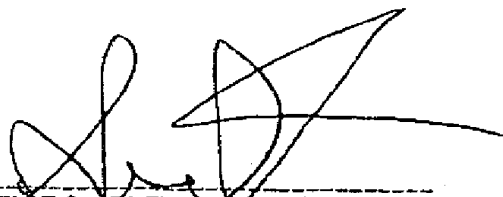
B. Hearing on Motions

A Joint *Daubert/Frye* hearing will be held on May 4, 2009.

AND IT IS SO ORDERED.



DAVID C. NORTON
CHIEF UNITED STATES DISTRICT JUDGE
DISTRICT OF SOUTH CAROLINA



JUSTICE SHIRLEY KORNREICH
SUPREME COURT OF THE STATE
OF NEW YORK,
COUNTY OF NEW YORK

November 19, 2008