

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

IN RE: SYNGENTA AG MIR 162 CORN LITIGATION)	
)	
)	CIVIL ACTION
)	
This documents relates to)	No. 14-md-2591-JWL
)	
Nationwide Lanham Act Class Action Kansas State Class Action)	MDL: 2591
)	
)	

TRIAL ORDER

Pending the resolution of dispositive motions, the above listed case is set for jury trial beginning on **June 5, 2017 at 9:30 a.m.** in Courtroom #643. The court sets the following deadlines in regard to the upcoming trial which will supersede any prior deadlines set forth in the final pretrial order (Doc. #2848):

- a. The parties' final witness and exhibit disclosures pursuant to Fed. R. Civ. P. 26(a)(3)(A) shall be filed no later than **April 14, 2017**. The parties' final witness lists shall specify which witnesses shall be called live, and which will be called via deposition. With regard to each witness disclosed under Fed. R. Civ. P. 26(a)(3)(A)(i), the disclosures also shall set forth the subject matter of the expected testimony and a brief synopsis of the substance of the facts to which the witness is expected to testify. Witnesses expected to testify as experts shall be so designated. Witnesses and exhibits disclosed by one party may be called or offered

by any other party. Witnesses and exhibits not so disclosed and exchanged as required by the court's order shall not be permitted to testify or be received in evidence, respectively, except by agreement of counsel or upon order of the court. The parties shall file any objections under Fed. R. Civ. P. 26(a)(3)(B) no later than **April 24, 2017**. The court shall deem waived any objection not timely asserted, unless excused by the court for good cause shown.

- b. Consistent with Fed. R. Civ. P. 26(a)(3)(A)(ii), any deposition testimony sought to be offered by a party other than to impeach a testifying witness shall be designated by page and line in a pleading no later than **May 5, 2017**. Any counter-designations in accordance with Fed. R. Civ. P. 32(a)(6), together with any objections to designations made by the offering party, shall be filed no later than **May 10, 2017**. Any objections to the counter-designations shall be filed no later than **May 15, 2017**. The Court will not entertain any objections to deposition testimony unless and until the parties have attempted in good faith to resolve the dispute among themselves either in person or via telephone conference. Where the Court must resolve disputes concerning presentation of deposition testimony at trial, the party seeking to offer the deposition testimony shall deliver a copy of the deposition at issue to the trial judge no later than **May 19, 2017 at 9:00 a.m.** On this copy, those portions of any deposition which is intended to be presented at trial other than for impeachment on cross examination shall be marked by brackets in the margins with different colored highlighting. Red highlighting shall be used

to identify the testimony that plaintiff has designated, blue highlighting shall be used by defendants and green highlighting shall be used to identify the objections to any designated testimony. The plaintiff shall write its objections and responses to defendant's objections in the margins of the transcript in black ink, the defendant shall write its objections and responses to plaintiff's objections in the margins in blue ink.

- c. Motions in limine limited to one comprehensive motion per side and not exceeding 25 pages in length, may be filed no later than **April 24, 2017** and responses thereto, not exceeding 25 pages in length, shall be filed on or before **May 8, 2017**. No replies will be allowed. A limine conference is scheduled for **May 25, 2017 at 9:00 a.m. in Courtroom#643**.
- d. The parties shall file proposed jury instructions no later than **May 30, 2017**. The parties shall file a set of agreed upon instructions and to the extent that disagreements exist, the parties shall also submit those instructions in a separate filing accompanied by citations to authority supporting the requested instructions. The parties shall provide a copy of the proposed jury instructions in WordPerfect format to Court by email to the chambers email account which is ksd_lungstrum_chambers@ksd.uscourts.gov.

IT IS SO ORDERED.

Dated this 8th day of March, 2017 at Kansas City, Kansas.

s/ John W. Lungstrum

JOHN W. LUNGSTRUM

UNITED STATES DISTRICT JUDGE