

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARCHERDX, LLC f/k/a ARCHERDX,)
INC. and THE GENERAL HOSPITAL)
CORPORATION d/b/a MASSACHUSETTS)
GENERAL HOSPITAL,)

Plaintiffs,)

v.)

C.A. No. 18-1019-MN

QIAGEN SCIENCES, LLC, QIAGEN LLC)
f/k/a QIAGEN, INC., QIAGEN BEVERLY,)
LLC f/k/a QIAGEN BEVERLY, INC.,)
QIAGEN GAITHERSBURG, LLC f/k/a)
QIAGEN GAITHERSBURG, INC.,)
QIAGEN GMBH, QIAGEN N.V. and)
JONATHAN ARNOLD,)

Defendants.)

ORDER AFTER PRETRIAL CONFERENCE

AND NOW, this 20th day of August 2021, after a Pretrial Conference and upon consideration of the Proposed Pretrial Order (D.I. 427) and the discussion at the August 16, 2021 Pretrial Conference, IT IS HEREBY ORDERED that:

1. The Proposed Pretrial Order is ADOPTED as modified by any discussion at the Pretrial Conference.

2. July selection will take place on Friday, August 20, 2021 at 9:30 a.m. in Courtroom 4A.¹ A five-day jury trial will begin on August 23, 2021 at 9:00 a.m. Each side should be prepared to present its case from 9:00 a.m. until 4:30 p.m. each trial day, although the end of the trial day may, at the discretion of the Court, be earlier or later than 4:30 p.m.

¹ Plaintiff shall provide enough copies of the *voir dire* and a writing utensil for each member of the jury pool, which is estimated to be 40 people. Those must be delivered to the Clerk's office by 12:00 p.m. on August 19, 2021.

3. The trial will be timed. Each side is allowed up to twelve (12) hours for its opening statement, its direct and cross-examination of witnesses, and argument of evidentiary issues. Each side is allowed up to one (1) additional hour for closing arguments. Time during the trial day that does not neatly fit into one of the stated categories will be attributed to one side or the other as the Court deems appropriate.

4. Issues that need to be addressed outside the presence of the jury will be taken up at 8:30 a.m., at the lunch break or at the end of the day. Those issues – including objections to anticipated exhibits or demonstratives – must be brought to the attention of the Court’s judicial administrator by 7:00 a.m. on the day on which the evidence objected to will be adduced. There will be thirty minutes to forty-five minutes for lunch and a fifteen-minute break in the morning and in the afternoon.

5. Each side may have no more than three (3) people in the courtroom at any given time. In its discretion, the Court may modify these limitations at any time or impose additional restrictions to ensure the safety of court personnel, the jury, and all persons attending trial.

6. Unless excused by the Court, all persons in the courtroom must wear a mask at all times and the mask must be worn properly (*i.e.*, covering the person’s nose and mouth). Vaccinated counsel, however, may remove his or her mask when examining a witness or making an argument. Vaccinated witnesses may remove their masks when testifying behind the screen at the witness stand.

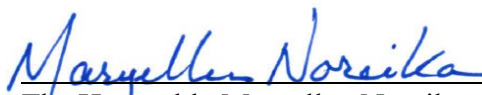
7. For the reasons stated at the Pretrial Conference, Plaintiff’s Motion *in Limine* No. 1 (D.I. 427, Ex. 9) is GRANTED-IN-PART and DENIED-IN-PART, Plaintiff’s Motion *in Limine*

No. 2 (D.I. 427, Ex. 10) is DENIED, and Defendant's Motion *in Limine* No. 1 (D.I. 427, Ex. 12) is DENIED.²

8. The parties shall file a revised verdict sheet by August 24, 2021.

9. As explained at the Pretrial Conference, the parties may not provide witness binders or physical copies of documents (demonstratives, deposition transcripts, etc.) to the Court (but must do so for the witnesses). The parties shall provide electronic copies of ALL trial exhibits to the Courtroom Deputy by NOON on August 19, 2021. The trial exhibits must be labeled with JTX, DTX or PTX prefixes with exhibit numbers, and the trial exhibits must be organized in a single folder. Additionally, at the beginning of each trial day, the parties shall provide to the Courtroom Deputy electronic copies of witness folders containing the exhibits and demonstratives (if any) to be used on direct examination and cross-examination of any witnesses expected to be called that day.

10. Any trial logistics should be coordinated through the Courtroom Deputy.



The Honorable Maryellen Noreika
United States District Judge

² Defendant's Motion *in Limine* No. 2 (D.I. 427, Ex. 13) was withdrawn during the Pretrial Conference.