

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.2
Eastern Division**

Medline Industries, Inc.

Plaintiff,

v.

Case No.: 1:16-cv-03529

Honorable Martha M. Pacold

C.R. Bard, Inc.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, May 20, 2020:

MINUTE entry before the Honorable Gabriel A. Fuentes: Upon review of the parties' status report (doc. #[275]), the Court finds good cause to revoke the further 28-day extension of the expert discovery deadline as provided in the Third Amended General Order No. 20-0012. The expert discovery in this matter has been ongoing since the fall of 2019, when the Court extended it to 4/14/20 at defendant's request while a trial in a related matter was set to begin in January 2021. That trial later was postponed after Medline moved to consolidate the two cases before Judge Lee. Despite the trial having been postponed, the parties completed only one of the seven necessary expert depositions in early 2020, as persons in this country viewed the worldwide outbreak of COVID-19 with varying degrees of urgency, and the Court did not begin implementing extensions of time until mid-March 2020. Defendant's opposition to plaintiff's request to revoke the further 28-day extension to 8/25/20 is based not on an inability to conduct those depositions by the earlier 7/28/20 deadline, but largely on a desire to conduct the remaining six expert depositions in person. The Court sees no reason to postpone the conclusion of this long-pending discovery for another month in the hope that depositions can safely be conducted in person, when there is a strong possibility that conditions surrounding the COVID-19 public health emergency will not have changed significantly. Arguments for conducting an in-person deposition of an expert (in lieu of a remote video deposition) in a patent case, as opposed to a fact or occurrence witness in any other case, are not compelling. Keeping the expert discovery cutoff at 7/28/20 will further allow the parties to have expert discovery nearly concluded around the time of the next status hearing (7/14/20) before Judge Lee on the consolidation motion, so that if the matters are consolidated, Judge Lee will not be saddled with supervising expert discovery originally set to be completed in October 2019. Remote video technology exists to reduce the cost of litigation and now to enhance its safety during a pandemic, the likes of which have not been seen in this country since World War I. All parties are encouraged to use this technology. The expert discovery deadline is set at 7/28/20. The parties are directed to review the Court's Standing Order for Civil Cases Before Magistrate Judge Fuentes, revised 5/18/20 and available on the Court's website. Any party's request for a deadline for the filing of dispositive motions should direct that request to Judge Pacold. The parties are directed to file a further written status report by 5:00 p.m. on 7/13/20, addressing the conclusion of expert discovery, and shall provide the report to Judge Lee in advance of his

status hearing. Mailed notice. (jj,)

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