



- a background on the devices;
  - how each device is manufactured;
  - the materials used in the device;
  - how the device works;
  - issues with the materials used;
  - the injuries alleged in this litigation;
  - medical literature and regulatory information about the devices; and
  - other matters the parties select;
2. The parties shall not address liability or attempt to establish claims or defenses in their respective MDL;
  3. The Science Day presentations will be transcribed by a court reporter for the court's use only, with costs to be split by the parties. The parties may move to request a copy of the transcript and will have to establish good cause for their request. The transcript, if released, shall be treated as confidential and will be subject to any protective order entered in this case;
  4. Science Day will be closed to public and open only to attorneys who have appearances on file with this MDL, as well as their presenting expert (if any), the court, the court staff, the special discovery master, and the mediator;
  5. The presentations may be made by the parties' attorneys or experts. The presenters will not be questioned by each other or opposing counsel. The court, the special discovery master, and the mediator will have the opportunity to ask questions of the presenters as the court deems appropriate. Nothing in this paragraph should be read to mean that the parties are required to present with an expert. The Federal Rules of Evidence will not be enforced during Science Day, including during the presentations by or questioning of any expert;
  6. The participation of any expert or other witness in Science Day shall not be an independent basis for subjecting the expert to discovery and shall not waive any consulting expert privilege. No party shall conduct discovery of the presenting experts regarding their presentations or Science Day itself, whether or not later designated as a testifying expert;

7. Science Day will be conducted in open court, but the proceeding is intended to be informal and any expert will not be placed under oath;
8. The format will be lecture-style presentations that may incorporate the use of PowerPoint presentations or other demonstrative aids. The parties' attorneys will be allowed to lead the experts through a modified direct examination format to focus the presentation;
9. The transcript, PowerPoint presentations, other demonstrative aides, or any statement or presentation by any expert or counsel during Science Day shall not be: discoverable; admissible; used in any fashion for impeachment, cross-examination, or for collateral attack on any presenter, expert, or other witness; shared beyond the counsel of record in this litigation and their staff; attached to any public filing; or used for any purpose other than for the court's benefit to gather knowledge informally at Science Day about the devices at issue in this case;
10. The total length of time that will be allotted to Science Day shall be approximately 5 hours, combined for both MDLs, not including the time for any questions the court has after the parties' presentations, and shall proceed in accordance with the agenda submitted by the parties, which is subject to change by the court; and
11. Any objections to or suggestions for amendment of this order shall be filed on or before August 24, 2022.

**IT IS SO ORDERED.**

**/s/ JOY FLOWERS CONTI**

Joy Flowers Conti

Senior United States District Judge