

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE: NATIONAL HOCKEY LEAGUE	)	
PLAYERS' CONCUSSION INJURY	)	MDL No. 14-2551 (SRN/JSM)
LITIGATION	)	
	)	Pretrial Order No. 21
This Document Relates to: ALL ACTIONS	)	Revised Schedule Regarding
	)	Issues Related to Class
_____	)	Certification

The Court hereby adopts this Pretrial Order, which shall govern deadlines related to class certification.

1. Plaintiffs shall file their motion for class certification and supporting memorandum on or before September 9, 2016. In their memorandum, plaintiffs shall identify all experts and other witnesses upon whom they rely in support of their motion (including the information contemplated by Fed. R. Civ. P. 26(a)(2)(B) as to experts) and shall attach as exhibits any expert reports or affidavits upon which they rely.
2. Plaintiffs shall make their class certification experts and other witnesses identified in their memorandum available for deposition within 45 days of filing their motion for class certification. The parties shall confer in good faith about the scheduling of these depositions and shall present any disputes or problems to the Court.
3. The NHL shall file its memorandum in opposition to class certification on or before January 27, 2017. In its memorandum, the NHL shall identify all experts and witnesses upon whom it relies in opposition to plaintiffs' motion (including the

information contemplated by Fed. R. Civ. P. 26(a)(2)(B) as to experts) and file as exhibits any expert reports or affidavits upon it relies.

4. The NHL shall make its class certification experts and other witnesses identified in its memorandum available for deposition within 30 days of filing its opposition to plaintiffs' motion for class certification. The parties shall confer in good faith about the scheduling of these depositions and present any disputes or problems to the Court.

5. Plaintiffs shall file their reply memorandum in support of class certification on or before March 31, 2017.

6. If Plaintiffs conclude that rebuttal expert reports are necessary (not "new" expert reports but true "rebuttal" expert reports) and choose to file them with their reply brief, the NHL may seek leave of the Court to file a sur-reply and/or take additional deposition testimony. At that time, the Court will consider the nature of the rebuttal expert testimony and whether further discovery and briefing is warranted.

7. Plaintiffs and defendant anticipate the need for an extension of the word limitation set out in the Local Rules for the briefing of plaintiffs' class certification motion. The parties will meet and confer in an attempt to agree on a joint proposal as to an appropriate word limitation to submit to the Court by August 19, 2016. Should the parties not reach agreement, plaintiffs may file a motion for a word extension by August 19, 2016. Absent a further request for an extension of the word limitation, plaintiffs and defendant shall each be permitted a total of 15,000

words for briefing on plaintiffs' motion for class certification, as earlier provided in Pretrial Order No. 18. If a sur-reply is permitted, the Court will set a word limit for that document.

8. A hearing on class certification is set for Wednesday, April 12, 2017 at 9:30 a.m.

**IT IS SO ORDERED.**

ST. PAUL, MINNESOTA, this 12<sup>th</sup> day of July, 2016.

s/Susan Richard Nelson

SUSAN RICHARD NELSON  
United States District Judge