



**II. TRIAL WITNESSES NOT PREVIOUSLY DEPOSED:**

- A. Aside from rebuttal witnesses, witnesses not included on a party's trial witness list shall not be called at trial absent agreement by the parties or a showing of good cause as to why the witness was not included on the witness list.
- B. If either party discloses a fact witness on its trial witness list who has not previously been deposed in this MDL, any party shall be permitted to depose that witness. Any party noticing a deposition pursuant to this provision must notify all parties of its intent to depose the previously non-deposed trial witness within fourteen days of receipt of the opposing party's trial witness list. Further, for depositions conducted pursuant to this provision, the parties will use good faith efforts to complete the depositions within an agreed-upon time period within the framework of the existing deadlines and trial schedule that will be forthcoming. It is also presumptively understood that depositions under this provision will be conducted within 30 days of receipt of the request for the witness's deposition.

**AND IT IS SO ORDERED.**

s/ Richard Mark Gergel  
Richard Mark Gergel  
United States District Judge

February 14, 2022  
Charleston, South Carolina