

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAYCOL PRODUCTS LITIGATION

**MDL No. 1431
(MJD/JGL)**

**This Document Relates to All Actions
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Pretrial Order No.

1. A settlement/mediation program established and directed by this Court promotes and meets its duties and responsibilities under 28 U.S.C. Section 1707, et seq. and as an MDL court and assists in the settlement, the preparation for trial, and the trial of cases to be transferred back to transferor courts.

2. This Court establishes the Baycol MDL Settlement and Mediation Program “Settlement Program” to provide opportunities for all parties and their lawyers for transferred MDL cases, for federal cases awaiting to be transferred, and for any other Baycol case or claim voluntarily submitted for settlement and/or mediation under this Settlement Program.

3. Special Master Roger Haydock and two lawyers appointed by the plaintiff lawyers and two lawyers appointed by the defense lawyers and one lawyer appointed by the Court shall promptly develop the Settlement Program and its proceedings subject to approval of this Court and shall recommend mediators to be appointed by this Court and a fee schedule for the costs and

expenses associated with the Settlement Program.

4. Special Master Haydock shall operate the Settlement Program with the assistance of staff and court appointed mediators.

5. No party, person, or entity shall call or subpoena the Special Master or the lawyers designated in Paragraph 3 testify or produce any notes or documents related to the Settlement Program in any civil action or proceedings of any kind whatsoever. If called or subpoenaed, the Special Master and lawyers may refuse to testify or produce notes or documents. Any party, person, or entity that attempts to compel such testimony or production will be liable for and shall indemnify the Special Master and the lawyers against any liabilities, costs, and expenses, including reasonable attorney fees, which may be incurred in resisting such compulsion.

Date:

**Michael J. Davis
United States District Court**