

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: BABY FOOD PRODUCTS
LIABILITY LITIGATION

Case No. 24-MD-301-JSC

MDL 3101

Hon. Jacqueline Scott Corley

This document relates to:

ALL ACTIONS

**JOINT STATEMENT FOR AUGUST 28, 2025
CASE MANAGEMENT CONFERENCE**

Date: August 28, 2025

Time: 9:00 a.m. PT

Location: Remote

Pursuant to Pretrial Order No. 3 (ECF No. 148), the Parties submit this Joint Statement in preparation for the August 28, 2025 Case Management Conference. At the request of the Parties, the Court ordered that the conference shall be held remotely.

I. Rule 702 Briefing

The Parties have met and conferred regarding the structure of Rule 702 briefing in advance of the hearings beginning on December 8, 2025. Plaintiffs have designated nine experts to address issues in the general causation phase; Defendants have designated 11 experts. Subject to the preference of the Court, the Parties propose the following briefing as to all experts:

Rather than filing separate motions and briefs for each challenged expert, and given that several of the Parties' experts have overlapping opinions, the Parties propose that each side submit consolidated briefs. Defendants intend to submit three separate briefs in support of their Rule 702 motions: (1) an omnibus brief that addresses common issues such as the relevant scientific background, the opinions being challenged, and the applicable law under Rule 702; (2) a brief

1 seeking exclusion of the experts offering exposure opinions (Ms. Priscilla Barr and Dr. Rachael
2 Jones); and (3) a brief seeking exclusion of the experts offering epidemiology and related
3 causation opinions. Plaintiffs intend to file a single omnibus brief, with separate sections for each
4 challenged expert based on topic. The Parties agree that each side's briefs would not exceed 100
5 pages total. Additionally, the Parties agree that each side would have up to 100 pages total to
6 oppose the motion(s), and up to 50 pages to reply. The page limits for briefs relating to
7 Defendants' motions may be divided among the briefs as each side finds appropriate.

8 The Parties seek the Court's guidance on whether Defendants should file with their Rule
9 702 motions a separate summary judgment motion based on the lack of admissible expert
10 testimony to support general causation, or whether the Court would prefer Defendants do so later,
11 after the Court rules on their Rule 702 motions, if those motions are granted. The Parties generally
12 agree that the summary judgment motion should be filed after the *Daubert* rulings, subject to the
13 Court's preference.

14 **II. Discovery Disputes**

15 The parties briefed a discovery issue relating to the deposition of Dr. Stephan Sanders and
16 will be prepared to discuss that issue at the Case Management Conference. The parties are also
17 meeting and conferring regarding certain materials produced by Plaintiffs' expert Dr. Jones, and
18 Defendants will raise this issue with the Court if it cannot be resolved prior to the conference.

19 **III. Shapiro Deposition**

20 Due to an unforeseen family emergency, Defendants cancelled the deposition of one of
21 Plaintiffs' experts, Dr. Kevin Shapiro. The Parties have met and conferred as to the timing of
22 Dr. Shapiro's deposition. Dr. Shapiro is available on September 4 and 5, 2025, before 1:00 p.m.
23 Pacific. Subject to the Court's approval to modify PTO 15 to permit Defendants to take this
24 deposition after the August 29, 2025 general causation discovery cut-off, Defendants will notice
25 the deposition for September 4 and 5, 2025 (seven hours total of time on the record) in San
26 Francisco, California.

1 **IV. State Court Proceedings**

2 From August 11 to 13, 2025, the Hon. Lawrence Riff (California Superior Court for the
3 County of Los Angeles) began hearings on Defendants' motions to exclude Plaintiffs' experts and
4 for summary judgment in a similar baby food product liability case, *Landon R.*, which is currently
5 set for trial in March 2026. Judge Riff expressed interest in understanding the scope and status of
6 the Rule 702 proceedings in this Court. Given the overlap of both numerous experts and the larger
7 causation-related issues, the Parties jointly suggest that the Court invite Judge Riff to participate as
8 the Court deems appropriate in the December 2025 hearings in this matter.

9
10 Dated: August 26, 2025

Respectfully submitted,

11 By: /s/ Aimee H. Wagstaff

12 Aimee H. Wagstaff (SBN: 278480)

13 WAGSTAFF LAW FIRM

940 N. Lincoln Street

14 Denver, CO 80203

Telephone: 303-376-6360

15 E-mail: awagstaff@wagstafflawfirm.com

16 By: /s/ Brent Wisner

17 Brent Wisner (SBN: 276023)

WISNER BAUM, LLP

18 11111 Santa Monica Blvd., Suite 1750

Los Angeles, CA 90025

19 Telephone: (310) 207-3233

E-mail: rbwisner@wisnerbaum.com

20 *Co-Lead Counsel for MDL 3101 Plaintiffs*

CERTIFICATE OF SERVICE

I certify that on August 26, 2025, I electronically filed the foregoing Joint Statement with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Aimee H. Wagstaff
Aimee H. Wagstaff