

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

**IN RE: DEPO-PROVERA (DEPOT
MEDROXYPROGESTERONE
ACETATE) PRODUCTS
LIABILITY LITIGATION**

Case No. 3:25-md-3140

This Document Relates to:
All Cases

**Judge M. Casey Rodgers
Magistrate Judge Hope T. Cannon**

JOINT REPORT ON RULE 702 EVIDENCE PRESENTATIONS

On September 6, 2026, the Court ordered that the parties submit a joint report “advising the Court on how they plan to proceed with their evidence presentations.” Dkt. 749. The Court ordered that the report address “which side will present evidence first, which attorneys will present evidence or examine which witnesses, and outline the manner of evidence presentation” as well as “provide the estimated length of time needed for each expert, including direct, cross, and redirect examinations.” *Id.* On September 10, the parties met and conferred by Zoom, and propose the following structure and time limits for the Court’s consideration.

Expert Testimony The parties will present testimony from Defendants’ expert Dr. Emily Levitan (live, Jessica Rydstrom) and Plaintiffs’ expert Dr. Nicholas Butowski (remote, Shannon Pennock). Defendants propose that each of

Drs. Levitan and Butowski's testimony be completed in approximately an hour (30 minutes of direct examination, 30 minutes of cross-examination, and 5 minutes of redirect). Plaintiffs propose that Dr. Butowski's testimony be approximately 45-60 minutes of direct examination, 45 minutes of cross-examination, and 10 minutes of redirect.

The parties agree that the experts' examinations need not include formal voir dire, but accept that some overview of an expert's qualifications may be helpful. The parties agree that both experts will be available for questioning by the Court separate from the time estimates set forth above. Plaintiffs propose that should the Court have questions for any of Plaintiffs' experts not present at the hearing, Plaintiffs will make them available at a later date. Defendants do not agree that either side should be able to offer expert testimony outside of the hearing.

The parties are aware of a small number of new studies published after the close of expert discovery concerning the relationship between synthetic progestins and meningioma growth. By Monday, September 14, Defendants will provide to Plaintiffs and the Court a supplemental materials considered list identifying two additional studies (Hasselblad 2026, Reynolds 2026) which Dr. Levitan has identified as additional support for the opinions she expressed in her report and at deposition. It is Plaintiffs' position that, should either party seek to rely on these

studies or any other information that was not disclosed as part of expert discovery, that party should file a motion to reopen expert discovery.

Argument on Motions The parties will then argue their Rule 702 motions, with Defendants' motion first (MDL Dkt. 630) (Joe Petrosinelli for Pfizer and Stephen Edwards, Nick Mucerino, and Michael Hochman for Plaintiffs) and combined argument on Plaintiffs' motions (MDL Dkts. 619, 621, 624, 626, 628) second. Defendants propose that the arguments on each motion be completed in an hour (20 opening, 30 opposition, 10 rebuttal), exclusive of any time needed to answer the Court's questions. Plaintiffs propose approximately 35 minutes of argument for the motion, 45 minutes for the opposition, and 10 minutes for rebuttal.

DATED: September 11, 2026

Respectfully submitted,

/s/ Joseph G. Petrosinelli
Joseph G. Petrosinelli
Jessica Bodger Rydstrom
WILLIAMS & CONNOLLY LLP
680 Maine Ave., SW
Washington, DC 20024
Telephone: (202) 434-5000
jpetrosinelli@wc.com
jrydstrom@wc.com

Loren H. Brown
Matthew A. Holian
DLA PIPER LLP (US)
1251 Avenue of the Americas
New York, NY 10020-1104
Telephone: (212) 335-4500
loren.brown@us.dlapiper.com

*Counsel for Defendants Pfizer
Inc., Pharmacia & Upjohn Co.
LLC, and Pharmacia LLC*