

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

IN RE: TASIGNA (NILETINIB)  
PRODUCTS LIABILITY LITIGATION

Case No. 6:21-md-3006-RBD-DAB  
(MDL No. 3006)

This document relates to all actions.

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**ORDER**

This matter comes before the Court on disputes between the parties as to the scope of initial electronic document discovery. The Court has reviewed arguments submitted by each side in this MDL (Docs. 31, 35) as well as those submitted in the New Jersey state court cases pending before Judge Harz (filed here as Docs. 24 and 25) and heard oral argument at the status conference held October 26, 2021. Although the parties have reached agreement with respect to many issues, significant disagreements remain, and document production has not proceeded. Having considered the positions of the parties, the nature of the issues in the case, and the scheduling deadlines, the Court **ORDERS** as follows:

All documents previously identified (and reviewed) as responsive based on the parties' agreement as to scope, time periods, search terms, and custodians shall be produced forthwith, no later than **November 9, 2021**. The parties are **DIRECTED** to confer as to the timing for production of the identified, but not yet reviewed, agreed documents. In no event shall the production of the documents

be greater than 60 days.

Novartis's objections to production of documents related to foreign regulation are **OVERRULED**. Those materials may or may not be admissible, but they are subject to discovery and may be of use to Plaintiffs in getting necessary and appropriate expert opinions in support of their contentions. The following requested search terms are approved: (1) 'European Medicines Agency' OR EMA11 OR EMEA!; (2) 'Health Canada' or HC; (3) MHRA or 'Medicines and Healthcare products Regulatory Agency'; (4) 'Pharmaceutical AND Medical Device Agency' or PMDA; (5) PRAC; and (6) 'Therapeutic Goods Administration' OR TGA. The regulatory custodians in dispute are to be included in the custodian productions. The parties are **DIRECTED** to determine a schedule for production.

With respect to the overall time frame for discoverable documents, everything except the pre-clinical animal studies is discoverable. Production of documents from custodians involved in pre-clinical studies (except animal studies) shall be provided.

The custodians in dispute listed in Document Number 31 at page 17 (footnotes 24 and 25) shall be included in the custodian productions.

Plaintiffs may seek specific information about the animal studies if, after review of other discovery, they can make a proper showing that significant relevant documentation can be identified. Any such renewal of this discovery

request for animal studies should include specification as to how the identified material likely relates to specific issues in these cases.

With regard to the disputes in ESI search terms regarding pharmaceutical or study terms, these search terms shall be included. Search terms regarding profit or revenue shall not be included in the present ESI search.

As to the breadth of commercial and marketing strategies (beyond the areas already agreed to), no additional materials need be produced at this time. As with the animal studies, Plaintiffs may renew this area of requested discovery after review of the other documents and upon a showing of relevance for particular classes of commercial and marketing documents.

The parties are **ORDERED** to file a joint report by November 8, 2021 as to their resolution of search terms and custodians given the guidance of this Order. If necessary, the Court will hold a telephonic hearing on November 10, 2021 if any further clarification is required so the cases may proceed.

To the extent there are other unresolved matters with regard to implementing these rulings (or if there are other unresolved matters with respect to this round of document production) the parties may, after compliance with the meet-and-confer requirements, file a motion for specific relief or include the matter on the agenda for the next scheduled conference with the Court on December 6, 2021. Lingering unresolved matters should not impede or delay production as to

resolved matters.

**IT IS SO ORDERED.**

**DONE AND ORDERED** in Chambers in Orlando, Florida, on October 29,  
2021.

*David A. Baker*

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DAVID A. BAKER  
UNITED STATES MAGISTRATE JUDGE