

**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 6: 21-cv-1302 (Witt)
and 6: 21-cv-1873 (Gale).

ORDER

These two cases come before the Court on motions for substitution of the named plaintiff due to the deaths of the named plaintiffs. In Case no. 21-cv-1302, the motion is Docket Entry 79 as supplemented in [Doc. 80](#); and in 21-cv-1873, it is Docket Entry 44. In response to both motions, Defendant Novartis does not substantively oppose substitution but does request that additional information be provided with respect to the changes.

Regarding Robert Witt, Mary Beth Witt has submitted Letters of Administration appointing her Personal Representative of his Estate. Based on that filing and in consideration of Novartis' response ([Doc. 82](#)), the motion for substitution is **GRANTED**. Provided, the caption for 21-cv-1302 shall be amended accordingly to reflect the new representative plaintiff. The Clerk is **DIRECTED** to note this change in the electronic docket. Further, within 14 days, the Personal Representative shall file a pleading identifying the precise claims being pursued by the Estate, taking into account any issues with respect to survival claims,

wrongful death and any related issues under applicable state law. This filing should clearly designate counsel representing the new plaintiff.

Regarding Mary Ellen Gale, Susan T. Gale and Steven C. Tozer have submitted Letters Testamentary appointing them as Fiduciaries of her Estate. Based on that filing and in consideration of Novartis' response ([Doc. 46](#)), the motion for substitution is **GRANTED**. Provided, the caption for 21-cv-1302 shall be amended accordingly to reflect the new representative plaintiff. The Clerk is **DIRECTED** to note this change in the electronic docket. Further, within 14 days, the Personal Representative shall file a pleading identifying the precise claims being pursued by the Estate, taking into account any issues with respect to survival claims, wrongful death and any related issues under applicable state law.

DONE and ORDERED at Orlando, Florida September 5, 2023.

David A. Baker

DAVID A. BAKER
UNITED STATES MAGISTRATE JUDGE