

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

IN RE: TASIGNA (NILOTINIB)
PRODUCTS LIABILITY LITIGATION

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

This document relates to all actions.

PRETRIAL ORDER NO. 10

This Order resolves various outstanding issues in this case.

First, as to tagalong cases transferred into this MDL after dispositive motions were filed ([Doc. 265](#), CTO-6 (6:23-cv-663); [Doc. 275](#), CTO-7 (6:23-cv-873, 6:23-cv-874, 6:23-cv-875, 6:23-cv-914)), the parties are **DIRECTED** to file notices indicating whether they adopt the MDL-wide summary judgment briefing (Docs. 238, 257, 268) by **Wednesday, May 31, 2023**.

Second, as to cases in which individual plaintiffs are deceased, Plaintiffs' counsel filed a status report indicating some member cases that have been dismissed, some for which proof of representation has been secured, and others for which proof of representation has not yet been secured but they are in the process of obtaining it. ([Doc. 244](#).) The latter category (still in the process) includes only one federal case: 5:22-cv-283 (*Bayack*). This issue has been pending for over six months (*see* [Doc. 182](#)), so by **Wednesday, May 31, 2023**, Plaintiffs are **ORDERED TO SHOW CAUSE** by written response why the *Bayack* case should

not be dismissed. *See* [Fed. R. Civ. P. 25](#).

Third, the Court previously ordered the parties to provide a proposed schedule for post-remand case-specific discovery in the Middle District of Florida member cases (6:21-cv-1287, 6:21-cv-1312, 6:21-cv-1335, 6:21-cv-1408, 8:22-cv-1644). ([Doc. 214](#).) This proposed schedule was due prior to the May 9 status conference, which was subsequently rescheduled. (*Id.*) The proposed schedule is now due **Wednesday, May 31, 2023**.

Finally, Plaintiffs moved to modify the Court's schedule for the evidentiary hearing set for June 5 and 6, 2023, asserting that their two experts "have unresolvable conflicts on June 6" and asking the Court to move oral argument to accommodate them. ([Doc. 274](#).) This motion ([Doc. 274](#)) is **DENIED**. The parties were invited to give input on the schedule and neither advised the Court of any scheduling conflicts at that time. ([Doc. 246](#).) Now that the Court has set the schedule (with virtually no useful input from the parties), Plaintiffs' belated request to change it is not well-taken; it is the parties' responsibility to strategically plan the testimony to fit into the Court's schedule, not the other way around. Moreover, though Novartis apparently does not "intend to file an opposition" to Plaintiffs' motion, the Court is disinclined to consider Novartis's lengthy caveat included in the submission. ([Doc. 274, pp. 2-3](#).) Notably, this caveat also notes a scheduling conflict on Novartis's part—which, again, was not disclosed to the

Court when the parties had an opportunity to weigh in on the schedule. If the parties could come to an agreement on changing the schedule, the Court might be amenable to considering it, but the submission makes clear that there is no such agreement. So at this point, the Court's schedule is the schedule and the parties must govern themselves accordingly.

IT IS SO ORDERED.

DONE AND ORDERED in Chambers in Orlando, Florida, on May 17, 2023.





ROY B. DALTON JR.
United States District Judge