

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.

PRETRIAL ORDER NO. 11

This Order resolves various issues, including those outstanding following the recent hearing on the pending summary judgment and *Daubert* motions. (Docs. 287, 289.)

By **Friday, June 30, 2023**, the parties are **DIRECTED** to provide to the Court flash drives of the evidence admitted and demonstratives used at the hearing.

The transcript from the hearing will be filed in due course. Within fourteen days of when the transcript is filed, Defendant may file a supplemental brief of no more than ten pages addressing issues raised at the hearing. Plaintiffs may file a response brief of no more than ten pages within fourteen days of Defendant's brief. The parties shall not rehash arguments already made in the papers.

Regarding case-specific discovery in the five Middle District of Florida member cases (Case Nos. 6:21-cv-1287, 6:21-cv-1312, 6:21-cv-1335, 6:21-cv-1408, 8:22-cv-1644),¹ the Court notes many areas of disagreement between the parties on

¹ This does not include Case Nos. 5:22-cv-283 or 5:23-cv-319.

the appropriate scope of this discovery ([Doc. 283](#)). So Plaintiffs are **DIRECTED** to file a motion to determine the scope by **Friday, June 30, 2023**. Defendant is **DIRECTED** to file a response by **Friday, July 14, 2023**. This motion will be referred for Judge Baker's consideration. The Undersigned will set a discovery schedule once the scope issues are resolved. Case-specific discovery may continue via agreement in the meantime.

Regarding the *Bayack* case (Case No. 5:22-cv-283), the Court previously ordered Plaintiffs to show cause why it should not be dismissed for failure to timely obtain proof of representation of the decedent's estate. ([Doc. 278](#).) Plaintiff Bayack's response indicated that he filed a petition in probate court seeking to be named representative on May 24, 2023, a week after the Court's Order. (5:22-cv-283, [Doc. 40](#).) But Plaintiffs indicated back in March that they had "begun the process of obtaining the appropriate proof of representation" ([Doc. 244](#)), and the Court first directed them to resolve this issue over seven months ago, in November 2022 ([Doc. 182](#)). Plaintiff Bayack's response does not explain the delay in waiting to begin this process or how they had "begun" the process months before filing the petition. So the Order ([Doc. 278](#)) is not yet discharged. By **Friday, June 30, 2023**, Plaintiff Bayack is **DIRECTED** to provide further response as to why his case should not be dismissed for failure to prosecute. Defendant may file any opposition to Plaintiff's position by **Friday, July 14, 2023**.

The next status conference in this matter is set for **Wednesday, August 30, 2023**, at 10:00 a.m.

IT IS SO ORDERED.

DONE AND ORDERED in Chambers in Orlando, Florida, on June 16, 2023.




ROY B. DALTON JR.
United States District Judge