

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. 2

The initial status conference for this matter was held on Tuesday, September 28, 2021. (Doc. 22.) This Order memorializes the Court's oral pronouncements at that hearing and sets forth case management deadlines.

I. Lead and Liaison Counsel

Raymond C. Silverman, Esq. of Parker Waichman LLP, Richard M. Elias, Esq. of Elias LLC, and Lawana Wichmann, Esq. of OnderLaw LLC are **APPOINTED** as co-lead counsel for Plaintiffs. Chris Oxx, Esq. of Parker Waichman LLP is **APPOINTED** as liaison counsel for Plaintiffs.

Joe G. Hollingsworth, Esq. and Robert E. Johnston, Esq. of Hollingsworth LLP are **APPOINTED** as co-lead counsel for Defendant. Andrew L. Reissaus, Esq. of Hollingsworth LLP is **APPOINTED** as liaison counsel for Defendant.

Liaison counsel are reminded to keep Judge Rachelle Harz in the New Jersey multi-county litigation ("MCL") apprised of all filings and other events in the

instant cases and to keep this Court apprised of all of the filings and other events in the MCL.

Lead and liaison counsel are required to appear in person at all hearings in this matter unless otherwise ordered. All counsel appearing at hearings are responsible for being fully briefed on all matters to be discussed.

Lead and liaison counsel are also reminded again of the requirements of Local Rule 3.01(g), as set forth in Pretrial Order No. 1. This Court interprets Local Rule 3.01(g) to require an in-person or telephonic, substantive, and good-faith conferral prior to filing. Email exchanges and superficial conferrals will not be sufficient. Lead and liaison counsel are reminded to familiarize themselves with and strictly abide by this Court's Local Rules in full.

II. Case Management Deadlines

Pretrial deadlines in this case are set as follows.

A. Pleadings

The parties will not be required to file master long-form pleadings. As to any individual complaints that have not been answered, Defendant is **DIRECTED** to answer or otherwise respond to the complaints in those member cases by **Monday, October 18, 2021**.

The parties are reminded that any cases that have yet to be filed must be filed in their home district first and then transferred into the MDL. *See* Pretrial

Order No. 1.

By **Friday, October 8, 2021**, the parties are **DIRECTED** to substantively meet and confer and then to each file their proposed Plaintiffs' Fact Sheet and Defendant's Fact Sheet. The parties should also email Word versions of the proposals to Chambers. While the Court will not require the parties to submit joint proposals, both sides are reminded that plainly unreasonable proposals will be summarily rejected, and the Court will fashion appropriate fact sheets as necessary.

B. Discovery

Initial disclosures under Federal Rule of Civil Procedure 26 must be served by **Monday, October 18, 2021**.

Fact discovery will close on **Friday, July 15, 2022**. Plaintiffs' expert witness disclosures and reports are due by **Friday, August 19, 2022**. Defendant's expert witness disclosures and reports are due by **Friday, September 16, 2022**. Expert discovery will close on **Friday, November 18, 2022**.

As to the parties' disputes concerning custodians and search terms for ESI, Defendants may file a response brief to the existing briefing from the MCL of no more than twenty pages by **Monday, October 11, 2021**, and Plaintiffs may file a reply brief of no more than ten pages by **Monday, October 18, 2021**. The parties are reminded that universal rulings on these issues will apply across this MDL and

the MCL. No special master on discovery will be appointed at this point, though the Court may do so at a later date if it becomes necessary.

Unless otherwise ordered, discovery is limited to general discovery relevant to all cases in the MDL and shall not include individual discovery specific to particular Plaintiffs.

That said, the Court is still considering whether it will permit Defendant to take limited depositions of treating physicians after the close of general fact discovery but prior to remand. The parties are **DIRECTED** to include this issue in their proposed agenda for the next status conference. They should be prepared to discuss the timing and proposed limitations as to time and scope of such depositions.

The parties are reminded that overbroad discovery requests and boilerplate discovery responses are highly disfavored.

Depositions will be limited to 140 hours per side, including deposition time in the MCL. The hours will not be divided into fact and expert witnesses. No adjustment will be made to the total hours for depositions taken prior to the MDL. The parties must notice depositions in both this MDL and in the MCL. The parties are reminded to provide compliant notice prior to serving subpoenas.

C. Motions

Defendant has leave to renew its motion for judgment on the pleadings by

Friday, October 8, 2021. Plaintiffs may respond by **Monday, October 18, 2021.**

Both briefs must be in compliance with this Court's Local Rules.

Other motion practice is not permitted unless otherwise ordered. If the parties have disputes requiring the Court's resolution, they should bring those disputes to the Court's attention in their joint proposed agendas for the monthly status conferences.

D. Mediation

The parties are **DIRECTED** to include in their proposed agenda for the next status conference a proposed deadline for mediation and a proposed mediator.

III. Status Conferences

The next status conference in this matter will take place on **Tuesday, October 26, 2021, at 10:00 a.m.** in person in Courtroom 4A of the Orlando Federal Courthouse. Lead and liaison counsel are **DIRECTED** to meet and confer on a joint proposed agenda in compliance with Pretrial Order No. 1. The agenda for the next conference is due on **Thursday, October 21, 2021.**

IT IS SO ORDERED.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 4, 2021.




ROY B. DALTON JR.
United States District Judge