

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. 5

A status conference for this matter was held on Wednesday, April 13, 2022. (Doc. 104.) This Order memorializes the Court's oral pronouncements at that hearing.

The following strictures are set for the depositions noted in the parties' status report (Doc. 102, pp. 3-7). Ms. Habucky's deposition is scheduled for **Thursday, April 28, 2022**. Plaintiffs are **DIRECTED** to immediately serve a subpoena for Dr. Gallagher on Novartis's counsel. By **Wednesday, April 20, 2022**, Defendant is **DIRECTED** to provide to Plaintiffs dates on or before Friday, May 13, 2022, on which Dr. Alland is available to be deposed. Mr. Miranda's deposition is scheduled for **Thursday, May 12, 2022**. All of these depositions must take place in person.

The following strictures are set for all depositions moving forward. All depositions must take place in person unless otherwise ordered by the Court. For

witnesses within the control of counsel,¹ the parties are **DIRECTED** to respond to a request for a deposition with available dates for the deposition within **seven calendar days** of the request; those available dates must be within **thirty calendar days** of the initial request. Novartis's counsel is **DIRECTED** to accept service of deposition subpoenas of nonparties whom they represent unless the client expressly disallows it; if the client disallows counsel's acceptance of service, counsel must immediately provide Plaintiffs with the client's contact information. If counsel objects to the deposition of a witness for any reason, they must file an appropriate motion² of no more than five pages before the expiration of the seven-day deadline for response to the deposition request; the opposing party must file a response of no more than five pages within seven days of the motion. Untimely motions may be summarily denied.

The Court's prior ruling that no case-specific discovery is permitted prior to the expiration of fact discovery remains in effect. (Doc. 26, p. 4.) Novartis may renew its request to conduct case-specific depositions only after the expiration of that deadline.

Beginning on **Friday, April 22, 2022**, and every ten calendar days thereafter,

¹ For Novartis, this means current employees and former employees whom Novartis's counsel represents.

² This may include a motion for the deposition to take place remotely. Such motions must be supported by more than a witness's generalized fear of COVID-19.


the parties are **DIRECTED** to file a joint discovery notice giving the status of every ongoing discovery issue; the notice may include a request for briefing or a hearing.

The parties are permitted to file a joint proposed order granting continuing permission for certain individuals to bring electronics into the courthouse specifically for the purpose of in-person hearings in the instant matter. The parties must also send a copy of the proposed order in Word format to the Chambers email.

IT IS SO ORDERED.

DONE AND ORDERED in Chambers in Orlando, Florida, on April 19, 2022.




ROY B. DALTON JR.
United States District Judge