

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

IN RE: ABILIFY (ARIPRAZOLE)
PRODUCTS LIABILITY
LITIGATION

Case No. 3:16-md-2734

Chief Judge M. Casey Rodgers
Magistrate Judge Gary Jones

This Document Relates to All Cases

AMENDED ORDER [ECF NO. 12]

Due to numerous developments in the litigation since the time the original Order establishing filing procedures, ECF No. 12, was docketed, the Court finds it appropriate to amend that Order.¹ This Order will govern filing procedures going forward.

This Order applies automatically to all actions transferred to, removed to, or initiated in this MDL court, without the necessity of future motions or orders. The Clerk will maintain the docket and case files under this caption, and pursuant to the procedures set forth within this Order.²

I. Master Docket and File

The Clerk will maintain a Master Docket in Case No. 3:16-md-2734 (“Master Docket”). Any party filing a Notice of Appearance pertaining to an affiliated case,

¹ The majority of the amendments remove interim procedures and information that were in place until a Case Management Conference could be held and Plaintiffs’ coordinated counsel appointed.

² A website relating to this MDL action is available at <http://www.flnd.uscourts.gov/mdl2734>.

procedures for which are addressed in greater detail below, will be added to the Master Docket as Notice-Only parties. Notice-Only parties will not appear on the docket report, but their attorneys of record will have full access to the Master Docket, including the ability to file.

II. Separate Dockets and Files

The Clerk will also maintain a separate docket for each related action that is originally filed in, removed to, or transferred to this MDL action (“individual case”). Each such individual case will be assigned a new case number in this court. Once the required Notice of Appearance is filed, attorneys will be added to the relevant individual case and will appear on that case’s docket report.

III. Admission of Attorneys and Obtaining Electronic Filing Access

The Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation (“JPML”) provide that “[a]ny attorney of record in any action transferred under Section 1407 may continue to represent his or her client in any district court of the United States to which such action is transferred.” Rule 2.1(c). In order to give effect to this rule, there are two application tracks for attorneys to appear in this MDL action who are not currently admitted to practice in the Northern District of Florida.³ The first track must be followed by attorneys of record in any action

³ This Order does not impact the ability of any attorney to apply for admission to the Northern District of Florida through the regular bar admissions process.

transferred by the Judicial Panel on Multidistrict Litigation who wish to continue representing their client(s) in this court. The second track must be followed by attorneys in any related action later initiated in this court, which do not require Panel action pursuant to JPML Rule 7.2(a).

A. Attorneys of Record in Transferred Cases

An attorney of record in an action transferred to this MDL action who is not already admitted to practice in the Northern District of Florida, must be administratively admitted through a modified *pro hac vice* application. To be admitted through the modified *pro hac vice* process, an attorney of record must comply with the following requirements:

- Successfully complete the online Local Rules tutorial exam (<http://www.flnd.uscourts.gov/attorneys/Tutorial/login.cfm>)
- Complete the CM/ECF online tutorials (<https://www.pacer.gov/ecfcbt/dc3/>)
- Possess an updated PACER account (for instructions on how to obtain or update a PACER account see <http://www.flnd.uscourts.gov/attorneys/NextGen.cfm>)

Once these requirements are completed, the attorney must apply for admission to this MDL action. The instructions for this are available at the “Pro Hac Vice” link on the court’s NextGen Account Help page, <http://www.flnd.uscourts.gov/attorneys>

[/NextGen.cfm](#). The application must make reference to this Order. These attorneys will not be required to pay a *pro hac vice* admission fee, file a motion to appear *pro hac vice*, or associate with local counsel.

B. New Attorneys of Record

Attorneys who initiate cases in this court independent of the JPML transfer process must be admitted through the standard *pro hac vice* admission process established in the Attorney Admission Memo, available at <http://www.flnd.uscourts.gov/attorneys/index.cfm>.⁴ Their *pro hac vice* application must make reference to this Order. Although all other requirements for *pro hac vice* admission and appearance must be met for attorneys who initiate cases in this MDL court, association of local counsel is not required. Attorneys should file their motion to appear *pro hac vice* only in the Master Docket. Filing the motion in the individual docket may result in duplicative fees.

IV. **Notice of Appearance**

All attorneys seeking to appear in this MDL action must file a Notice of Appearance. This Notice must be filed in both the Master Docket and the individual cases for which the attorney is an attorney of record.

⁴ Attorneys must have a case pending in this MDL Court prior to filing a motion to appear *pro hac vice*.

V. Electronic Filing

All documents filed by the parties in this MDL action must be filed electronically and in compliance with the Local Rules for the Northern District of Florida and the court's CM/ECF Attorney User Guide, which is available at <http://www.flnd.uscourts.gov/attorneys/cmecf/index.cfm>. The Northern District of Florida uses NextGen CM/ECF, so an attorney's individual PACER account will serve as their login for electronic filing. Any pleading, motion, or other document filed in any case that is now or in the future a part of this MDL action must be filed in this court and not with the transferor district court.

All pleadings, motions, and other documents served or filed in this MDL action must bear the same caption as this Order. When a filing relates to all individual cases covered by this Order, the words "all cases" must appear immediately after or below the words "This Document Relates to" in the caption. Filings related to all individual cases must be made in the Master Docket. All such filings that relate to all individual cases will be deemed filed in each individual case when filed in the Master Docket. When a filing relates to fewer than all individual cases, the separate caption and docket number assigned by the Clerk for each individual case to which the filing relates must appear immediately after or below the words "This Document Relates to" in the caption. Filings related to fewer than

all individual cases must be made in the Master Docket and in each applicable individual case.

Attorneys may open their own civil case by filing the initiating documents (e.g., original complaints, notices of removal) in this Court, pursuant to the Order on Procedures for Direct Filing and Master Pleadings, ECF No. 106. Initiating documents should not be sent directly to the Chambers of Chief District Judge M. Casey Rodgers or Magistrate Judge Gary R. Jones. These initiating documents, as well as the summons serving notice of the Complaint, need only be filed in the individual case.

VI. Service of Documents

Service of documents in MDL Case No. 3:16-md-2734 is made pursuant to the Federal Rules of Civil Procedure.

DONE and **ORDERED** on this 16th day of March, 2017.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE