

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

IN RE: ABILIFY (ARIPIPRAZOLE)
PRODUCTS LIABILITY LITIGATION

This Document Relates to All Cases

Master File No. 3:16-md-2734

Chief Judge M. Casey Rodgers
Magistrate Judge Gary Jones

**SUPPLEMENTAL PROTECTIVE ORDER GOVERNING THE
DISCLOSURE OF CERTAIN PROTECTED HEALTH INFORMATION**

WHEREAS, on February 9, 2017, the Court entered the Protective Order in this action governing the designation, redaction, use, and/or disclosure of “Confidential Information” produced by any Party or non-Party in this proceeding; and

WHEREAS, the Protective Order defined Confidential Information to include, *inter alia*, protected health information; and

WHEREAS, the Protective Order provides that in order to comply with all state and federal laws and regulations, a producing party will redact from produced documents, materials and other things, *inter alia*, the “names, street addresses, Social Security numbers, tax identification numbers, and other personal identifying information of patients, health care providers, and individuals in clinical studies or adverse event reports, including voluntary reporters” (“Personal Identifying Information,” or “PII”); and

WHEREAS, in their review of documents for production in this matter, Defendants have encountered voluminous collections of records containing PII for which redaction under the terms of the Protective Order has proven to be burdensome and time-consuming; and

WHEREAS, Defendants are concerned that the required redactions will jeopardize their ability to comply with the Court's general causation document production deadline in this matter; and Discovery document production deadline; and

WHEREAS, the Parties wish to facilitate the Defendants' prompt production of responsive documents in the general causation phase of discovery by eliminating the need for Defendants to redact, prior to production, certain PII which would not, if disclosed, tend to reveal the identity of any individual patient or health care practitioner;

The Parties hereby agree, and the Court hereby ORDERS, as follows:

1. Except as specifically provided herein, the terms of the Protective Order will continue govern the Parties' treatment of Confidential Information,¹ including any PII, in this proceeding.

¹ All capitalized terms have the meanings assigned to them in the Protective Order unless otherwise specified herein.

2. In connection with the production of information in this proceeding, any Party may elect not to redact the following categories of PII prior to production of a document or material containing such PII:

- a. Birth dates;
- b. Dates of death;
- c. Hospital admission dates;
- d. Hospital discharge dates;
- e. Treatment dates.

3. A Party electing not to redact any of the PII set forth in Paragraph 2 must designate any document or thing containing such unredacted PII “Outside Attorneys’ Eyes Only” pursuant to paragraph 3.6 of the Protective Order.

4. Any Party wishing to file with the Court, or otherwise use in any proceeding, any unredacted PII produced in this proceeding must endeavor to exclude from the filing any PII not relevant to that Party’s filing. If the unredacted PII is relevant to the Party’s filing, the Party must seek leave to file the unredacted PII under seal pursuant to the Local Rules of this Court.

5. All other PII not identified in Paragraph 2 herein will continue to be redacted prior to production pursuant to the terms of the Protective Order, or as may otherwise be required by state or federal law.

6. At the conclusion of this proceeding or any related civil action alleging that Abilify® caused or contributed to compulsive behaviors in general, and gambling in particular, any Party in possession of documents or material containing unredacted PII produced by another Party or non-Party in this proceeding must return to the producing Party or non-Party the physical media (and any copies thereof) containing the original production of such documents or material as well as any physical copies made of any such documents or material, and must destroy any and all electronic copies of such documents or material.

7. Nothing herein may preclude any party from challenging the propriety of the designation of any information produced in this proceeding as Confidential Information or subject to Outside Attorneys' Eyes Only.

8. The terms of this Supplemental Protective Order, when read in conjunction with the requirements of the Protective Order, meet the requirements of a Qualified Protective Order pursuant to 45 C.F.R. § 164.512(e)(1)(v).

DONE and **ORDERED** on this 24th day of April, 2017.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE