

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

IN RE: ABILIFY (ARIPIPRAZOLE)  
PRODUCTS LIABILITY LITIGATION

Case No. 3:16md2734

Chief Judge M. Casey Rodgers  
Magistrate Judge Gary Jones

This Document Relates to All Cases

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**ORDER ESTABLISHING SECOND GROUP  
OF POTENTIAL DISCOVERY & TRIAL POOL CASES**

In accordance with the previously discussed and established protocol, the Court has randomly selected the following 40 cases from the pool of eligible bellwether plaintiffs to proceed with the next step in the discovery process.

No.	Name	State	Case No.
1	Thomas Arnold	Oklahoma	3:18cv368
2	Huey Battiste	Louisiana	3:18cv1342
3	Bruce Bletz	Louisiana	3:17cv581
4	Shirley Mei Chow	California	3:17cv880
5	James Collins	Texas	3:17cv576
6	Christopher Drummond	Louisiana	3:18cv1317
7	Joseph Figaratto	California	3:18cv768
8	Shirleta Fowler	California	3:18cv321
9	Justin Friedman	California	3:18cv1443
10	Tracy Goldberg	Ohio	3:18cv690
11	Rochelle Renaye Goring	California	3:18cv1315
12	Licente Harned	Pennsylvania	3:18cv796
13	Roy Garland Haynes	Indiana	3:18cv619

14	Tim Jenkins	Kentucky	3:17cv598
15	Sanders Johnson, Jr.	California	3:18cv1019
16	Janet Kalivas	Colorado	3:18cv1241
17	Christine M. Kennedy	Massachusetts	3:16cv688
18	Lisa Labiche	Louisiana	3:17cv480
19	Michelle Miller Lee	Louisiana	3:17cv384
20	Sandra K. Magill	Idaho	3:17cv495
21	Madeline Michelle Mayse	Texas	3:17cv808
22	Michael Mcelvain	California	3:18cv1083
23	Robert Len Miller	Mississippi	3:17cv664
24	Yoram Nisim	Florida	3:18cv348
25	Annette Northcutt	Nevada	3:18cv170
26	Evan J. Obrentz	Florida	3:17cv010
27	Louis Ortiz	Arizona	3:18cv462
28	Jose Ramon Pagan	Florida	3:17cv865
29	Timothy B. Parada	California	3:17cv707
30	Barry Richardson	Colorado	3:18cv300
31	Karl Rohen	Ohio	3:18cv562
32	Matthew Skoczen	Pennsylvania	3:18cv563
33	Joann M. Smalley	Kentucky	3:17cv531
34	Valerie Stingley	Arizona	3:18cv766
35	Renea Teninty	California	3:17cv941
36	Catherine O. Todd	Arizona	3:18cv298
37	Todd Alan Weitzman	Colorado	3:18cv573
38	Brian Williams	Washington	3:17cv728
39	Maryann Yanak	Pennsylvania	3:18cv532
40	Cynthia Yarbrough	Oklahoma	3:18cv869

Each side has **14 days** from the date of this Order to strike five cases from this pool, reducing the total pool to 30 cases.<sup>1</sup> The parties must file a joint notice of the cases struck by each side, together with a list of the remaining 30 cases. Additionally, at that time, Plaintiffs must advise the Court as to whether venue will be waived for each of the 30 cases.<sup>2</sup> Any case in which Plaintiffs do not waive venue will be removed from the pool and immediately replaced with another randomly selected case from the original pool of eligible bellwether plaintiffs.

In each of the 30 remaining cases, Plaintiffs must provide by **October 12, 2018** a completed Plaintiff Fact Sheet, together with medical, financial, and/or gambling records authorizations for each of the sources identified in the Plaintiff Fact Sheet, and copies of relevant medical, financial, and/or gambling records in Plaintiff's or Plaintiff counsel's possession. Should any additional authorization(s) be required for healthcare providers, financial, and/or gambling entities not identified in the Plaintiff Fact Sheet, Plaintiffs must provide such authorization(s) within two business days of Defendants' notifying Plaintiffs of the need. Once Defendants receive authorizations, they must immediately begin collecting medical,

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<sup>1</sup> The deadlines established in this Order wholly supersede and replace the deadlines set in Order No. 906.

<sup>2</sup> See *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998).

financial, and/or gambling records from third parties in each of the 30 pool cases.<sup>3</sup> Plaintiffs' "first look" period to review records collected by RecordTrak is limited to five days.

By **December 14, 2018**, each side will strike an additional five cases, taking the total second discovery pool down to 20 cases. The parties will meet and confer on the reasonable scope of fact discovery for the 20 cases, including the number and sequence of depositions, the timing and production of Defendant Fact Sheets, and the timing of production, if any, of additional documents from both sides.<sup>4</sup>

Within seven days after the completion of the discovery identified above, each side will select five cases for trial, for a total of 10 cases in the second trial pool. The parties will meet and confer on the timing and scope of expert discovery for those 10 cases. If any of these 10 cases must be removed from the second trial pool, then the Court will randomly select a replacement from the remaining cases in the second discovery pool, provided sufficient time remains to prepare the new cases for trial.

The Court is continuing to consider the possibility of consolidating some number of cases for trial and trying the remaining cases individually. At this time,

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<sup>3</sup> Within the next two weeks, the Court will provide the parties with an order designed to facilitate the production of records by third-parties, which should be provided to the third parties along with the appropriate authorization(s).

<sup>4</sup> The parties should be prepared to present a proposed discovery schedule at the January 2019 case management conference.

the Court is leaning towards conducting a consolidated trial. However, before making a final decision on consolidation, the Court will allow briefing on the issue and, if applicable, on the question of which specific cases will be consolidated.

**SO ORDERED**, on this 10th day of August, 2018.

*M. Casey Rodgers*

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**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**