

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

IN RE: ABILIFY (ARIPIRAZOLE)
PRODUCTS LIABILITY LITIGATION

Case No. 3:16md2734

Chief Judge M. Casey Rodgers
Magistrate Judge Gary Jones

This Document Relates to All Cases

CASE MANAGEMENT ORDER NO. 16

The Court held the Sixteenth Case Management Conference in this matter on October 27, 2018. This Order serves as a non-exhaustive recitation of the key points of discussion during the conference.

I. Formal Deficiency Process

To establish a fair and informative bellwether process and enable the parties to better assess the strengths and weaknesses of this MDL, as well as the potential value of individual claims, the Court has required all individual plaintiffs to produce certain basic information about their claims. This began with a requirement that all plaintiffs submit an initial Plaintiff Profile Form to BrownGreer PLC within 30 days of newly filing a case in the MDL. More recently, all plaintiffs were directed to submit a Supplemental Plaintiff Profile Form and supporting documentation to

BrownGreer PLC by November 30, 2018.¹ Additionally, plaintiffs in the six fast-track cases were required to submit Plaintiff Fact Sheets, authorizations for the release of relevant medical, financial, and/or gambling records, and copies of such records in the plaintiff or plaintiff's counsel's possession, by September 21, 2018. The remaining 23 plaintiffs in the second discovery pool were required to submit these same materials to BrownGreer PLC by October 12, 2018.

Many individual plaintiffs have fully complied with the Court's deadlines. However, a number of plaintiffs have not, whether by failing to submit the requisite materials or by submitting incomplete forms and/or documentation. This is unacceptable, as it impedes both the global settlement negotiations and the bellwether litigation process. Accordingly, the Court will be adopting formal procedures and timelines for addressing deficient submissions.

The parties are directed to meet and confer on a process for identifying core deficiencies, the sending of a deficiency notice letter, a short period for correcting alleged deficiencies, and a schedule for motion practice for unresolved compliance issues. The Court will address any outstanding deficiencies at the case management conference on November 27, 2018. The parties should submit joint proposed deficiency procedures by close of business on **November 1, 2018**.

¹ In cases filed, removed, or transferred after August 31, 2018, the requisite materials must be submitted to BrownGreer PLC within **60 days** after the date the case is first docketed in this district.

All individual plaintiffs are again advised that the timely and complete submission of certain basic information about their claims is a critical component of this MDL. The submission deadlines will not be extended for any plaintiff without leave of Court, which must be sought via motion filed on the docket for the individual case only, and a showing of good cause. Failure to fully comply with the submission deadlines will result in dismissal of a case with prejudice.

II. Centralized Document Repository with BrownGreer PLC

BrownGreer PLC will serve as the central document repository for all medical, financial, and/or gambling records associated with the individual plaintiffs in this case. Defendants are directed to have their records custodian, RecordTrak, contact Jake Woody at BrownGreer PLC and arrange to upload all such records it obtains to MDL Centrality.

III. Health Care Provider Records

The parties are directed to meet and confer on a standard scope for health care provider records, such as the standard number and types of providers from whom records will be sought. Once an agreement is reached, Defendants must notify Plaintiffs if they believe an individual case warrants broader health care records discovery. Thereafter, the parties must attempt to resolve the issue informally. To the extent the parties cannot agree about the appropriate scope of health care records discovery in a particular case, they should *promptly* notify the Court. The Court will

then decide whether broader discovery is relevant and proportional to the needs of the case.

IV. Stay of Formal Discovery

At this time, all formal discovery in the fast-track and second discovery pool cases is suspended, so that the parties may focus their time and resources on obtaining and evaluating the above-described information for all of the individual cases in the MDL. The parties should be prepared to discuss a schedule for formal discovery, the exercising of strikes, and pretrial deadlines for these cases at the case management conference on November 27, 2018.

V. Defendants' Net Worth

The parties are continuing to work on a stipulation regarding Defendants' net worth. If they are unable to reach agreement, the Court will discuss a protocol for discovery on the issue at the next case management conference.

VI. Plaintiffs' Federal/State Liaison Counsel

Now that the New Jersey litigation has been permanently assigned to Judge John Porto, Plaintiffs' Federal/State Liaison Counsel Munir R. Meghjee is directed to resume the practice of apprising this Court of any significant developments in the New Jersey litigation. *See* ECF No. 79 at 5. As previously directed, Mr. Meghjee must provide this Court with pertinent filings and orders in the New Jersey litigation and provide Judge Porto with pertinent filings and orders in the MDL. *See id.*

VII. Upcoming Case Management Conferences

The 17th case management conference will be held on **November 27, 2018 at 10:00 a.m. (EST)** in **Washington, DC**. The Court will hold a pre-conference meeting at 9:00 a.m. with those attorneys permitted to attend under Case Management Order No. 9, ECF No. 548. The Court will advise the parties of additional details for the 17th case management conference by separate Order.

The 18th case management conference has been rescheduled to **December 18, 2018 at 9:30 a.m. (CST)** in Pensacola, FL. The pre-conference meeting will be held at **8:30 a.m. (CST)**.

DONE and **ORDERED**, on this 29th day of October, 2018.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE