

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

IN RE: ABILIFY (ARIPRAZOLE)
PRODUCTS LIABILITY LITIGATION

Case No. 3:16md2734

Judge M. Casey Rodgers
Magistrate Judge Gary Jones

This Document Relates to All Cases

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CASE MANAGEMENT ORDER NO. 18

The Court held the Eighteenth Case Management Conference in this matter on January 25, 2019. This Order serves as a non-exhaustive recitation of the key points of discussion during the conference.

I. Fast-Track Cases

The pretrial and trial schedule for the fast-track cases is as follows:

Event	Date
<i>Daubert</i> and dispositive motions hearings	July 15-19, 2019
Pretrial conferences	July 29-30, 2019
Trial(s)	August 12-30, 2019

The parties are directed to confer and submit a joint revised schedule modifying the existing discovery deadlines, in light of the pretrial and trial schedule. The joint submission should also include a briefing schedule for the issue of consolidation.

II. Second Discovery Pool

The discovery schedule for the second discovery pool, and for *Borow* and *Butler*, is as follows:

Event	Second Discovery Pool	<i>Borow and Butler</i>
Deadline for service of Plaintiff Fact Sheets	N/A	2/14/2019
Deadline for service of Defendant Fact Sheets	3/1/2019	4/15/2019
Deadline for Defendants to serve written discovery, limited to 8 interrogatories and 15 requests for production absent leave of Court and a showing of good cause	3/1/2019	6/3/2019
Deadline for Defendants' production of documents from the custodial files of case-specific sales representatives	3/29/2019	7/1/2019
Deadline to complete depositions of individual plaintiffs	6/10/2019	8/8/2019
Deadline for Plaintiffs to disclose all fact witnesses they intend to call at trial	6/17/2019	8/15/2019
Deadline for parties to advise the Court whether they have reached agreement on the extent to which additional depositions of individual plaintiffs' prescribers are relevant to Defendants' learned intermediary defense	6/17/2019	8/15/2019

Event	Second Discovery Pool	<i>Borow and Butler</i>
Deadline for parties to serve their Rule 26(a)(2) disclosures, including the written reports required by Rule 26(a)(2)(B), for expert witnesses who are not case-specific (<i>e.g.</i> , regulatory experts)	7/2/2019	9/16/2019
Deadline for Plaintiffs to serve case-specific expert disclosures	7/15/2019	9/30/2019
Close of fact discovery and deadline to complete depositions of fact witnesses, including family members, prescribing/treating physicians, and sales representatives ¹	7/29/2019	10/11/2019
Deadline for Defendants to serve case-specific expert disclosures	8/26/2019	11/15/2019
Close of expert discovery and deadline to complete expert depositions	9/23/2019	12/16/2019
Deadline to file <i>Daubert</i> and/or dispositive motions for case(s) selected for trial	10/25/2019	1/31/2020

III. Non-Pool Cases

On January 16, 2019, Defendants filed a Motion for Entry of Order to Show Cause Regarding Plaintiffs with Missing Plaintiff Profile Forms and/or Supplemental

¹ Consistent with Case Management Order No. 17, absent leave of Court and a showing of good cause, no more than six fact witnesses may be deposed in any individual case: the plaintiff, one family member or friend, two treating physicians, prescribers, or other health care providers, and two sales representatives. *See* ECF No. 1072 at 3-4. However, the parties may, without leave of Court, also depose any other fact witness the other side indicates will be called as a witness at trial. *See id.* at 4.

Plaintiff Profile Forms. *See* ECF No. 1102. As of that date, 272 plaintiff had failed to provide both a Plaintiff Profile Form (PPF) and a Supplemental Profile Form (SPPF) and another 283 plaintiffs had failed to provide either the PPF or the SPPF. The parties are conferring with Jake Woody of BrownGreer PLC to determine which plaintiffs have since cured these deficiencies and will so notify the Court by close of business on **Tuesday, January 29, 2019**. A show cause order will be entered in all individual cases that lack either (or both) a PPF and SPPF by that deadline. Failure to comply with the show cause order will result in dismissal of a case with prejudice.

IV. *Plavix*-Style Order

The Court is considering the possibility of entering an order styled after *In re: Plavix Marketing, Sales Practices & Prod. Liab. Litig. (No. II)*, Case No. 3:13cv2418, ECF No. 235, but will allow the parties to brief the issue and present proposed orders before ruling. Defendants' brief must be filed by **Friday, February 15, 2019**. Plaintiffs' response is due **14 days** from the date Defendants' brief is filed. Defendants' reply, if any, is due within **7 days** thereafter.

V. Upcoming Case Management Conferences

The 19th case management conference will be set by separate order.

DONE and **ORDERED**, on this 29th day of January, 2019.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE