

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

IN RE: ABILIFY (ARIPIPRAZOLE)
PRODUCTS LIABILITY
LITIGATION

Case No. 3:16-md-2734

Chief Judge M. Casey Rodgers
Magistrate Judge Gary Jones

This Document Relates to All Cases

DISCOVERY CONFERENCE ORDER NO. 3

At the parties' request, the Court held a discovery conference call on December 21, 2016. This Order serves to memorialize the key topics of discussion during the call, including any agreements of counsel and orders of the Court.

Expert Availability

Plaintiffs advised that one of their Science Day experts is not available on February 23, 2017, accordingly requested a brief continuance of Science Day until the first two weeks of March, 2017. Defendants agreed but, in the interests of economy and efficiency, suggested that the other matters scheduled for February 22, 2017, should likewise be continued. The Court agreed that this made good sense.

Accordingly, as set forth in the Amendment to Case Management Order No. 1, the Third Case Management Conference, oral argument and, if necessary, a hearing on Otsuka Pharmaceutical Co., Ltd.'s jurisdictional motion to dismiss, and the presentation by BrownGreer PLC or another data management firm will be held on March 1, 2017. Science Day will be held on March 2, 2017.

Proposed Case Management Order

In Case Management Order No. 1, the Court instructed the parties to submit a proposed case management order fourteen days after the entry of an order appointing leadership counsel. Due to the proximity of this deadline with the holidays, the parties requested a brief extension. The Court extended the deadline to January 10, 2017.¹

Deadline to Answer or Move to Dismiss Short Form Complaints

Plaintiffs recently filed new cases using a Short Form Complaint. Because Defendants have until January 30, 2017 to file their Master Answer, they requested an enlargement of the time allowed under the Federal Rules of Civil Procedure to respond to the individually filed Short Form Complaints, so that this deadline does not precede the filing of the Master Answer. Plaintiffs have no objection. Thus, Defendants' deadline to answer or otherwise move to dismiss individual Short Form

¹ In the Amendment to Case Management Order No. 1, the required contents of this proposed order are listed. Specifically, the Amendment clarifies that to the extent the requirements of the original Case Management Order No. 1 conflict with later-established deadlines, the most recent deadline controls.

Complaints is either the time allowed under the Federal Rules of Civil Procedure or January 30, 2017, whichever is later.

DONE and **ORDERED** on this 22nd day of December, 2016.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE