

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

IN RE: DEPO-PROVERA (DEPO
MEDROXYPROGESTERONE
ACETATE) PRODUCTS LIABILITY
LITIGATION

Case No. 3:25-md-3140

This Document Relates to:
All Cases

Judge M. Casey Rodgers
Magistrate Judge Hope T. Cannon

**PRETRIAL ORDER NO. 20
(Supplemental Order Governing Production of Documents and Electronically
Stored Information—Defendants Greenstone LLC and Viatriis Inc.
Search & Validation Protocol)**

In accordance with Paragraph 21 of Pretrial Order No. 13 (“Order Governing Production of Documents and Electronically Stored Information”), Plaintiffs and Defendants Greenstone LLC (“Greenstone”) and Viatriis Inc. (“Viatriis”) have met and conferred regarding a protocol for the collection and identification of potentially responsive documents for review by Greenstone and Viatriis and ultimate production in this MDL. The agreed-upon protocol (*see* **Exhibit A**) sets forth the processes and procedures Greenstone and Viatriis will use for the collection and identification of potentially responsive documents for review and ultimate production herein, as well as the validation processes they will employ with regard to their search for potentially responsive documents. The agreed-upon protocol is approved and adopted herein.

SO ORDERED this 27th day of March, 2025.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE

EXHIBIT A

PROTOCOL FOR DEVELOPING AND VALIDATING SEARCH TERMS FOR
USE IN REVIEW AND PRODUCTION FOR DEFENDANTS
VIATRIS, INC. AND GREENSTONE LLC

Guiding Principles

This document sets forth the process Viatris, Inc. and Greenstone LLC (collectively, “these Defendants”) will use for the collection and review of documents for production in *In re Depo-Provera Products Liability Litigation*, MDL No. 3140, as well as the validation processes these Defendants will employ to ensure that they have met their discovery obligations under the Federal Rules of Civil Procedure.

For reasons stated in the Joint Rule 26(f) Report, ECF No. 142, at 8–10, and discussed with the Court during the Case Management Conference on March 13, 2025, these Defendants do not anticipate having a meaningful volume of relevant electronic data. In agreeing to the search and validation procedures herein, Defendants do not waive arguments they may have as to the appropriate scope of discovery against them, or the procedures to identify such materials. Further, while these Defendants agree to attempt to validate any search terms used through the processes and procedures set forth in this protocol, they have concerns that the predicted low richness rate of any collected datasets may render it difficult or impossible to satisfy any specific validation metric.

It should be noted that search terms will be applied as sets of terms. In most instances, documents will contain hits on multiple individual terms from the overall set. It is more useful to assess recall and precision for the comprehensive set of documents returned by the entire set of terms, as opposed to individually focusing on one of many terms being run in concert.

These Defendants further reserve the right to use analytical tools to prioritize review. That said, these Defendants will not use analytics to “cull” data or to otherwise exclude data from manual review.

Search Process & Validation

Except as otherwise set forth in the Order Governing Production of Documents and Electronically Stored Information (the “ESI Protocol”), as agreed to among the Parties, or as otherwise Ordered by the Court, below are the steps that will be followed by Viatris and Greenstone (“these Defendants”) to identify potentially responsive documents for review and production in this litigation:

1. Collection of Documents. These Defendants will prepare the starting universe of documents by collecting applicable classes of documents from custodial sources. Responsive non-custodial documents, if any, will be collected separately and will not be subject to the search and validation process outlined herein.
2. Development of Search Terms. These Defendants will develop a list of proposed search terms likely to identify as many responsive documents as reasonably possible for proportionate effort. This proposed list of search terms will be presented to Plaintiffs on or before March 28, 2025. Plaintiffs will present an initial proposed supplemental list of search terms on or before April 4, 2025.
3. Application of Search Terms.
 - a. These Defendants will run the proposed set of search terms to assess the comprehensive return of potentially responsive documents, as well as the impact of individual terms. Hit counts will be assessed and some judgmental sampling will be performed to assess the nature and quality of search-term hits and misses in order to reduce false positives and false negatives. A simple random sample of 400 documents of the search-term hits and 400 documents of the search-term misses will be interspersed, and manually reviewed. Any responsive documents in the search-term misses will be shared with Plaintiffs’ counsel. Any proposed modifications to the search terms following such review will be discussed among the parties, and subject to reasonable conferral and agreement among the parties.

- b. The search terms will then be applied to the universe of collected documents. The documents that contain hits on search terms (the “Review Population”) will be processed in accordance with the ESI Protocol, and a manual review of the Review Population will be conducted to assess responsiveness. Thereafter, the responsive, non-privileged documents from the Review Population will be produced in accordance with the ESI Protocol.

4. Validation of Search & Production.

Upon completion of their review of the Review Population, these Defendants will validate the efficacy of their search and production using the following validation protocol:

- a. These Defendants will draw a fresh random sample of documents (the “Validation Sample”) from each of the following three strata and in the following sizes:
 - (i) 1,500 random documents drawn from the set of documents that the search terms did not hit on;
 - (ii) 750 random documents drawn from the documents that the search terms hit on that were determined by reviewers to be responsive; and
 - (iii) 750 random documents drawn from the documents that the search terms hit on that were determined to be non-responsive.

To the extent the volume of responsive documents is lower than these thresholds, the parties will meet and confer regarding an appropriate validation sample population.

- b. The documents will be randomly interspersed, and a full responsiveness review will be performed on the combined sample by reviewers blinded to the strata from which the documents were drawn and any prior review determinations.

- c. From this review of the Validation Sample, an overall estimated recall and precision of the putative production will be determined. These Defendants will share the statistically determined recall and precision metrics with Plaintiffs, and will share the responsive documents identified through the validation process including the strata from which each was drawn. Defendants are not required to share non-responsive documents with Plaintiffs.
 - d. The Parties will thereafter meet and confer to try to reach agreement based on the reported recall and precision, and the novelty and substantiality of the responsive documents surfaced through validation, about whether the relevant production is adequate.
5. Supplemental Terms/Requests. These Defendants will reasonably comply with Plaintiffs' reasonable requests for supplemental search terms. In such instance, to the extent new/supplemental terms are implemented, these Defendants may prepare a new statistical sample to assess the responsiveness rate for the revised set of search terms, and may review, estimate responsiveness rate, and assess the revised set of search terms for acceptability. Further, these Defendants will reasonably comply with Plaintiffs' requests for alternative means to identify potentially responsive documents or information not well suited to identification by search terms or omitted during the review process, and/or targeted requests for specific documents.
6. Conferral & Disputes. To the extent the Parties have any disputes with regard to the implementation of the process hereunder, they must promptly meet and confer in an effort to reach resolution. Absent agreement, the Parties may present their dispute to the Court for resolution.