

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

IN RE: DEPO-PROVERA (DEPOT
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

CASE MANAGEMENT ORDER NO. 5

On August 22, 2025, the Court held the fifth Case Management Conference (“CMC”) in the *Depo-Provera (Depot Medroxyprogesterone Acetate) Products Liability Litigation*, MDL No. 3140. Lead Counsel Chris Seeger and Co-Lead Counsel Bryan Aylstock and Ellen Relkin appeared on behalf of Plaintiffs. For the Pfizer Defendants, Joe Petrosinelli, Jessica Rydstrom, Annie Showalter, and Jeremy Branning appeared. Also present for the conference were Orran Brown and Jake Woody on behalf of the Data Administrator, BrownGreer PLC; and Special Master David Herndon. This Order memorializes the key points of discussion during the conference, the issues resolved, and matters outstanding.

By way of review, since the Fourth Case Management Conference on July 11, 2025, the member case filings have increased to 932 total actions. Following the last Conference, the Court entered an amended version of Common Benefit Order No. 1 as well as Pretrial Order No. 27, which required Plaintiffs’ Leadership firms

to certify unfiled case inventories. In the aggregate, Plaintiffs' Leadership firms certified 9,571 unfiled cases in their inventories. The Court urged Plaintiffs' firms to investigate and file their cases in order to close the gap between the filed and unfiled cases.

Turning to the topics covered in the Parties' agenda letter, Dave Buchanan for Plaintiffs, and Jessica Rydstrom for Pfizer, reported that the Parties have completed preemption-related discovery, including the disclosure by Plaintiffs of five experts. The Parties did not anticipate secondary Rule 702/*Daubert* motions related to preemption.

Julia Merritt, Chair of the Data Administration Subcommittee, reported that a Plaintiffs' Town Hall was held about the deficiency process for threshold proof of use and injury, and 169 individuals joined. The presentation can be obtained through the Subcommittee. Ms. Merritt also reported that there had been 372 threshold proof Questionnaires completed, and 95 were deficient to date. Jake Woody and Orran Brown of BrownGreer provided an overview of MDL Centrality statistics, reporting that 919 of the 932 filed cases have pleadings that satisfy the requirements for complaints, and there are no outstanding deficiencies. Most of the past deficiencies for complaints involved problems with case captions. With regard to the 372 completed threshold proof Questionnaires, most of the records submitted in support are medical records, with smaller numbers of pharmacy records or insurance records

as proof. Mr. Petrosinelli also apprised the Court on discussions with Plaintiffs' Lead Counsel regarding updating the threshold proof show cause process in response to the initial rounds of orders for Plaintiffs with deficient proof of use and/or injury. The Parties intend to file a stipulation with the Court to formally propose those updates.

Finally, Bryan Aylstock and Annie Showalter appeared on behalf of Plaintiffs and Pfizer, respectively, to provide an update on the progress of the Depo-Provera state court litigation. They advised that 12 cases have been filed in California, 63 in New York (coordination is unopposed, but a Coordinating Justice has not yet been assigned), and 2 in Delaware, while Pennsylvania, Illinois, Connecticut, New Mexico, Tennessee, and Missouri each have 1 case. One of the Delaware cases names 101 plaintiffs, and Defendants are expecting that there will be some form of coordination in that litigation. The undersigned expressed a desire to increase efficiencies in those related actions through sharing what has already been accomplished in the MDL, and Pfizer stated that for the cases with larger numbers of plaintiffs, they have already begun to share discovery productions with lawyers in those cases, which the undersigned encouraged.

As previously ordered, the next Case Management Conference will be held on **Monday, September 29, 2025, at 9:00 a.m. CT**, with oral arguments on

preemption to follow. The Parties' Joint Agenda Letter is due by **12:00 p.m. CT on Wednesday, September 24, 2025.**

SO ORDERED this 25th day of August, 2025.

M. Casey Rodgers

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