

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

IN RE: ABILIFY (ARIPRAZOLE)
PRODUCTS LIABILITY
LITIGATION

This Document Relates to All Actions

Master File No. 3:16-md-2734

Chief Judge M. Casey Rodgers
Magistrate Judge Gary Jones

**STIPULATED ORDER REGARDING OTSUKA PHARMACEUTICAL
CO., LTD.'S MOTION TO DISMISS FOR LACK OF PERSONAL
JURISDICTION AND LIMITATIONS ON DISCOVERY OF
OTSUKA PHARMACEUTICAL CO., LTD.**

The Court enters the following Order, reflecting the terms agreed upon by Plaintiffs and Defendant Otsuka Pharmaceutical Co., Ltd. ("OPC"):

1. OPC's motion to dismiss for lack of personal jurisdiction [ECF No. 212] is hereby deemed withdrawn.¹ Such withdrawal is without prejudice to OPC's right to reassert the motion at the close of discovery or by the deadline for dispositive motions. Plaintiffs may not argue that OPC waived or forfeited its defense of lack of personal jurisdiction;

2. By April 10, 2017, OPC must file an Answer to the Master Complaint;

¹ The following related pleadings are also deemed withdrawn: Plaintiffs' Opposition to OPC's Motion to Dismiss [ECF No. 244]; OPC's Reply in Support of Motion to Dismiss [ECF Nos. 267, 268]; Plaintiffs' Motion for Leave to File Under Seal Certain Documents in Support of Plaintiffs' Opposition to OPC's Motion to Dismiss [ECF No. 242]; and OPC's Response in Support of Plaintiffs' Motion for Leave to File Under Seal Certain Documents [ECF No. 263].

3. Discovery will proceed as to OPC, subject to the following limitations, which apply cumulatively (not separately) in both this MDL and the New Jersey Consolidated Action:

a. ***Number of OPC Depositions.*** Plaintiffs may notice up to 5 depositions of OPC witnesses of Plaintiffs' choice; provided, however, that OPC may object to Plaintiffs' choice of deponent on any available grounds under the applicable federal or state rules of procedure. These depositions will last no longer than 7 hours, except that any depositions requiring a translator will last no longer than 12 hours;

b. ***Location of OPC Depositions.*** The depositions described in Paragraph 3.a above will take place at Winston & Strawn LLP's offices in New York, New York, except for the following:

1. OPC may designate an alternative location for one of the witnesses, at its sole discretion;
2. The parties will meet and confer about the location of this deposition; and
3. Any adjustment to the location will not cause the deposition to occur outside of the Court-ordered schedule;

- c. ***Production from OPC Custodians.*** OPC may limit its production of responsive documents to no more than 12 custodians; provided, however, that Plaintiffs may request additional custodians for good cause shown to the Court and OPC may oppose such request on any grounds. The parties will meet and confer in good faith on the identity of custodians, the appropriate timing and staging of the production, and any additional limits (e.g., search terms, time periods) and have reserved all rights with respect to these issues; and
- d. ***Japanese Language Translation.*** Plaintiffs may move the Court for a joint translation vendor to translate OPC documents written in foreign languages at shared expense. OPC may oppose such a motion.

DONE and **ORDERED** on this 28th day of March, 2017.

M. Casey Rodgers

M. CASEY RODGERS

CHIEF UNITED STATES DISTRICT JUDGE