

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

IN RE: ABILIFY (ARIPIPRAZOLE)
PRODUCTS LIABILITY
LITIGATION

This Document Relates to All Cases

Case No. 3:16-md-2734

Chief Judge M. Casey Rodgers
Magistrate Judge Gary Jones

**STIPULATED ORDER REGARDING ABBREVIATED SERVICE
PROCEDURES**

I. Scope of Order

This Order applies to Complaints that are either (i) properly filed in, removed to, or transferred to this MDL, or (ii) properly filed in, removed to, or transferred to other federal district courts and subject to transfer to MDL No. 2734 pursuant to the October 3, 2016 Order of the Judicial Panel on Multidistrict Litigation. *In re Abilify (Aripiprazole) Prods. Liab. Litig.*, No. MDL 2734, 2016 WL 5846032 (J.P.M.L. Oct. 3, 2016). As stated in the Transfer Order, the Complaints must involve common questions of fact arising out of allegations (i) that Abilify® (“Abilify”) can cause impulse control problems in users, (ii) that a Plaintiff experienced compulsive behaviors as a result of taking Abilify, and (iii) relating to whether Abilify was defectively designed or manufactured, whether defendants knew or should have known of the alleged propensity of Abilify to cause compulsive behaviors in users,

and whether defendants provided adequate instructions and warnings with this product.

II. Limited Waiver

A. For Complaints that meet the requirements of Part I, *supra*, Defendants Bristol-Myers Squibb Company and Otsuka America Pharmaceutical Company agree to waive formal service of summons pursuant to Federal Rule of Civil Procedure 4 and to accept service of process pursuant to the terms of this Order.

B. Defendants Bristol-Myers Squibb Company and Otsuka America Pharmaceutical Company invoke all benefits provided by Federal Rule of Civil Procedure 4 to defendants who waive service of summons.

C. Nothing in this Order may be construed as a waiver or limitation of any defense available to Bristol-Myers Squibb Company, Otsuka America Pharmaceutical Company, or Otsuka Pharmaceutical Company, Ltd. Further, these procedures are only available in those cases where the claimed injury allegedly resulted from the use or purchase of Abilify.

III. Service of Process

A. Plaintiffs whose Complaints meet the requirements of Part I, *supra*, and who do not serve Bristol-Myers Squibb Company as otherwise permitted by Federal Rule of Civil Procedure 4 will have sixty (60) days after the date their case is first

docketed in any United States District Court to serve the Complaint together with a Summons by Electronic Mail, to the following address:

xabilifymdl@apks.com

B. Plaintiffs whose Complaints meet the requirements of Part I, *supra*, and who do not serve Otsuka America Pharmaceutical Company as otherwise permitted by Federal Rule of Civil Procedure 4 will have sixty (60) days after the date their case is first docketed in any United States District Court to serve the Complaint together with a Summons by Electronic Mail, to each of the following addresses:

- (1) MACambe@winston.com;
- (2) LConnell@winston.com; and
- (3) RBrothers@winston.com

C. Service will be effective only if sent to the addresses required by Paragraphs III.A and III.B, *supra*. General mailing to Bristol-Myers Squibb Company or Otsuka America Pharmaceutical Company, or use of other methods of transmission, including but not limited to Federal Express or Certified Mail, will not be sufficient to effect service. Service will be effective as of the date Bristol-Myers Squibb Company or Otsuka America Pharmaceutical Company receives the e-mails identified above.

D. Otsuka Pharmaceutical Company, Ltd. agrees that it will not contest service as long as it is served pursuant Federal Rule of Civil Procedure 4 at the following address:

Otsuka Pharmaceutical Co. Ltd.
c/o Corporation Trust Inc.
351 West Camden Street
Baltimore, Maryland 21201

DONE AND ORDERED on this 3d day of April, 2017.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE