

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

IN RE: ABILIFY (ARIPRAZOLE)  
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. 8**

The Court held a discovery conference call on March 29, 2017. This Order serves to memorialize the key topics of discussion during the call, including any agreements of counsel and orders of the Court.

**Adverse Event Database**

Plaintiffs have requested Bristol-Myers Squibb Company (“BMS”) to produce 325 tables within BMS’s adverse event database. Plaintiffs state they are unable to further narrow this request without additional information from BMS. According to BMS, the request is unreasonable and overly burdensome. The parties indicate they are continuing to negotiate this issue in the hopes of resolving it without Court intervention.

Due to the April 12, 2017 deadline to complete general causation document production, it is necessary to resolve this issue promptly. By April 4, 2017, the parties must inform the Court whether or not they have been able to reach an

agreement.<sup>1</sup> If the parties have not reached agreement, this matter will be referred to Judge Jones for a hearing. At the hearing, BMS will be required to specify why each table is irrelevant or overly burdensome.

### **Privilege Logs**

Plaintiffs are concerned about the timing of Defendants' privilege logs, in light of the production deadline of April 12, 2017. Currently, Defendants have forty-five (45) days after a document production to produce corresponding privilege logs. This means that the privilege log for any documents produced on April 12th would not be due until May 27, 2017. This date falls after the May 12, 2017 close of fact discovery. Defendants state they are open to working with Plaintiffs to try to reach a solution. Defendants' primary concern is ensuring that the production of privilege logs does not interfere with their production of the documents themselves. The Joint Discovery Committee is directed to confer in an effort to reach agreement on this issue, if possible.

### **SAS Files**

According to Plaintiffs, they have identified thirty-seven clinical studies for which they have not received the underlying data files. Counsel for Defendants are conferring with their clients to address this concern. The parties agree that this issue

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<sup>1</sup> The parties had a deadline of today to brief the Court on discovery matters. Due to a stipulated request for extension received by email, this deadline is extended until tomorrow, April 4, 2017.

is not yet ripe for judicial intervention. Should the issue become ripe, the parties are directed to promptly bring it to the Court's attention.

**NDA and IND**

Originally, the parties agreed that Defendants would produce the NDA and IND for Abilify tablets. Subsequently, Plaintiffs have requested the NDA and IND for all formulations of Abilify (oral solution, injection, or disintegrating tablet). The parties agree that one of the current Plaintiffs took the injectable version of Abilify. The parties have reached an agreement on this issue, but still need to work out a few issues regarding the previously entered Protective Order, ECF No. 185. The parties are no longer requesting judicial intervention.

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

*M. Casey Rodgers*

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