

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

IN RE: ABILIFY (ARIPRAZOLE)
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 RESOLVING PRODUCTION OF ADVERSE
EVENT INFORMATION**

Pursuant to Discovery Conference Order No. 7, the parties have met and conferred on the fields to be included in the .xml export from the AWARE database. The parties stipulate to the following, which stipulation is hereby incorporated into this Order:

(1) In order to expedite production of the data, Plaintiffs agree to accept data from the AWARE database in the tables/fields provided by the E2B format for purposes of the general causation phase of discovery.

(2) BMS agrees to produce the information as quickly as possible. Redactions will then have to be performed, if required. Once BMS has received the E2B output, it will provide Plaintiffs with the estimated time for actual production. To the extent BMS does not believe it will be able to produce the data by the close of general causation document discovery, it will notify Plaintiffs by

April 7, 2017 and the parties will include this issue in the agenda for the April 12, 2017 discovery call, if necessary.

(3) Given that this schedule leaves only 8 days prior to the date for Plaintiffs' expert reports, and that it will take Plaintiffs' ESI consultant between 7 to 14 days to re-process the E2B data into a form usable by Plaintiffs and their experts, the parties agree that Plaintiffs may supplement their expert reports by May 26, 2017 based upon this data. Defendants agree not to object to such supplementation on the basis that such testimony is not properly within the scope of rebuttal testimony, but reserve all other rights.

(4) Defendants agree that neither they nor their general causation experts will use any data contained in the AWARE database that is not produced to Plaintiffs as part of the E2B production. Nor can Defendants or their experts use the fact that plaintiffs and their experts did not have access to or use non-produced data as a basis to challenge the opinions of Plaintiffs' experts.

(5) The parties' agreement on the E2B production is without prejudice to plaintiffs continuing to pursue their request for additional adverse event tables/fields from the AWARE database at a later point in time. Nor does anything in the agreement preclude defendants from opposing any such request on any grounds. Defendants, however, acknowledge and agree that plaintiffs' interim

agreement to accept the E2B production does not constitute any admission or concession on plaintiffs' part, including but not limited to an admission that such production is sufficient, and will not make any such argument in any opposition.

DONE and **ORDERED** on this 6th day of April, 2017.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE