

**UNITED STATES DISTRICT COURT
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 MDL CENTRALITY

The Parties have agreed to accept online submission and service of Plaintiff Profile Forms, Plaintiff Fact Sheets, and Defendant Fact Sheets, (“PPF”, “PFS” and “DFS”), which are collectively described herein as Fact Sheets, and related documents in actions filed in or transferred to MDL No. 2734, and in the interest of efficiency and judicial economy,

IT IS HEREBY ORDERED that:

1. Manner of Completion and Service of Plaintiff Profile Forms, Plaintiff Fact Sheets, Defendant Fact Sheets, and Authorization Forms. Plaintiffs and Defendants must use the online MDL Centrality System designed and provided by BrownGreer PLC and accessible at www.mdlcentrality.com/abilify to complete and serve these forms, as follows:

(a) Each Plaintiff required to submit a Plaintiff Profile Form or Plaintiff Fact Sheet, must, by counsel or as *pro se*, establish a secure online portal in the MDL

Centrality online system and obtain authorized user names and secure login passwords to permit use of MDL Centrality by such counsel or Plaintiff. Except as set forth herein, Counsel for a Plaintiff or each *pro se* Plaintiff must be permitted to view, search and download on MDL Centrality only those materials submitted by that Plaintiff and by Defendants relating to that Plaintiff, and not materials submitted by or relating to other Plaintiffs.

- (b) The Defendants must establish a secure online portal with the MDL Centrality online system and obtain authorized user names and secure login passwords to permit use of MDL Centrality by defendants' counsel.
- (c) The Plaintiffs' Executive Committee and Attorney Designees Appointed by the Plaintiffs' Executive Committee, will have access to and be able to view, search and download all materials submitted by all Plaintiffs and by all Defendants.
- (d) Each Plaintiff and the Defendants must use the MDL Centrality System to obtain, complete or upload data, and serve the appropriate Profile Form or Fact Sheet online (including the upload of PDFs or other electronic images, photographs and videos of any records required in the Fact Sheets). Each Plaintiff and Defendants must provide a signed verification with their Fact Sheets, which will be signed in hard copy, uploaded and served through MDL Centrality.
- (e) Each Plaintiff must use the MDL Centrality System to obtain, complete and serve online the Plaintiff's Records Authorizations. Each Plaintiff must sign each of the required Records Authorizations, which will then be uploaded and served through MDL Centrality.
- (f) Service of a completed Fact Sheet and Records Authorizations will be deemed to occur when the submitting party has performed each of the steps required by the MDL Centrality System to execute the online submission of the materials, and the submitting party has received confirmation on screen that the materials have been successfully submitted.
- (g) If a party must amend a previously served Profile Form or Fact Sheet, all subsequent versions must be named accordingly ("First Amended Fact Sheet", "Second Amended Fact Sheet", etc.), and all iterations of a Party's Fact Sheet must remain available and accessible to all Parties to a case through trial, appeal (if any), or other resolution of the litigation.

- (h) The Court may establish a secure online portal with the MDL Centrality online system and obtain an authorized user name and secure login password to permit use of MDL Centrality by the Court.
- (i) For the avoidance of doubt, neither the Court nor Defendants will have access to the underlying data and materials in MDL Centrality pertaining to claims that have not been filed, but will be able to see the number of claimants who register with the MDL Centrality online system.
- (j) Pursuant to the Stipulated Order Establishing Case Management Schedule (Doc. 273), PPFs are due by May 8, 2017, for any case filed on or before March 23, 2017. For all cases filed after March 23, 2017, PPFs are due thirty (30) days from the date of filing. PFS and Authorizations are due forty-five (45) days after the Court orders a case to be fully worked up.

2. HIPAA Authorization. By using MDL Centrality, each Plaintiff authorizes the disclosure of his or her medical records and other health information submitted as part of the PPF, PFS or DFS to BrownGreer PLC as the administrator of the MDL Centrality System, the Court, Plaintiff Leadership and Defendants, and to the authorized agents, representatives and experts of the foregoing, for purposes of this litigation.

3. No Impact on Privileges or Work Product Protection. The use of MDL Centrality by any party will not alter or otherwise waive or affect any attorney-client privilege or work product doctrine protection otherwise available that would otherwise apply to a document in the absence of the use of MDL Centrality. Any notations placed on materials, comments entered, or documents stored or uploaded to MDL Centrality by a user will be considered to be the work product of such user unless and until the material is served on or purposefully disclosed to the opposing

party through the use of MDL Centrality or otherwise. Pursuant to Rule 502(d) of the Federal Rules of Evidence, this order with respect to privilege and work product doctrine protection applies to any other federal or state proceeding.

4. *No Impact on the Scope of Discovery.* Nothing in the Fact Sheets, Records Authorizations, or any use or action in MDL Centrality may be deemed to limit the scope of inquiry at depositions and admissibility of evidence at trial. The scope of inquiry at depositions will remain governed by the Federal Rules of Civil Procedure and the admissibility of information will be governed by the Federal Rules of Evidence and applicable law. No objections or rights are waived as a result of any response in a Fact Sheet or the production of any documents with a Fact Sheet.

5. *Extension of Deadlines.* The Parties may agree to an extension of the deadlines set in this Order for the completion and service of Fact Sheets and Records Authorizations. Consideration should be given to requests for extensions to stagger PFS deadlines where a single law firm has a large number due on or near the same dates, and correspondingly for Defendants with a large number of DFS due on or near the same dates. If the parties cannot agree on reasonable extensions of time, the requesting party may apply to the Court for such relief upon a showing of good cause and no prejudice to the other party.

6. *ECF Notifications.* The Clerk of Court has executed the steps necessary to include BrownGreer as the MDL Centrality Administrator as an interested party for purposes of receiving emailed ECF notifications related to this matter.

7. *Effective Date.* The requirements of this Order will commence once all relevant parties enter an agreement with BrownGreer PLC.

DONE AND ORDERED on this 12th day of April, 2017

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE