

**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. 11**

The Court held a discovery conference call on April 26, 2017. This Order serves to memorialize the key topics of discussion during the call, including any agreements of counsel and orders of the Court.

**I. Deposition of Dr. Etminan**

The parties discussed Defendants desire to depose Dr. Mahyar Etminan, the lead author of Risk of Gambling Disorder and Impulse Control Disorder with Aripiprazole, Pramipexole, and Ropinirole: A Pharmacoepidemiologic Study, 37(1) Journal of Clinical Psychopharmacology, 102–04 (2017), who resides in Canada. The Court ordered Defendants to submit a proposed order. On April 27, 2016, Defendants filed the proposed order, ECF No. 333, but this proposed order also exceeded the scope of the discussion at the discovery conference call. Plaintiffs objected, ECF No. 334. In response, Defendants then submitted a revised order

omitting reference to the document production. On April 28, 2017, the Court entered Defendants' revised order. ECF No. 337.

## **II. Dismissal of Trial Pool Cases**

Plaintiffs expect to voluntarily dismiss two cases currently part of the trial pool: *Eckert v. Bristol-Myers Squibb Company, et al.*, 3:16cv536, and *Locklear v. Bristol-Myers Squibb Company, et al.*, 3:16cv341. In light of this development, the Court has identified two cases that were filed after the trial pool was defined that list the Northern District of Florida as the appropriate home venue: *Marshal v. Bristol-Myers Squibb Company, et al.*, 3:17cv172, and *Lilly v. Bristol-Myers Squibb*, 3:17cv186. The parties should explore the viability of including *Marshal* and *Lilly* in the trial pool.

## **III. Plaintiffs' Proposed Orders**

On April 28, 2017, Plaintiffs submitted a proposed order, which was entered by the Court on May 1, 2017. Plaintiffs also intend to submit to the Court for review a proposed authentication order and a proposed order to obtain protected information. With respect to the authentication order, Defendants recently communicated their position on Plaintiff's draft order to Plaintiffs.

## **IV. Remaining Issues**

Plaintiffs raised a concern that they had not yet received certain custodial documents. Defendants confirmed that this production should be complete by April

28, 2017. Plaintiffs were instructed to promptly notify the Court if they have not received all custodial documents by May 1, 2017.

The parties also agree that an extension of time to take depositions may be necessary. Should this be the case, the issue can be addressed at the May 5, 2017 Case Management Conference.

The May 5, 2017, Case Management Conference will begin at 9:15 a.m. (CDT). Prior to the Conference, the Court will hold a pre-conference meeting with the authorized attendees at 8:30 a.m. (CDT). The same schedule will be in place all future case management conferences, unless specifically ordered otherwise.

**DONE** and **ORDERED** on this 2nd day of May, 2017.

*M. Casey Rodgers*

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