

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

IN RE: ABILIFY (ARIPIPRAZOLE)
PRODUCTS LIABILITY
LITIGATION

Case No.: 3:16-md-2734

Chief Judge M. Casey Rodgers
Magistrate Judge Gary Jones

This Document Relates to All Cases

**AMENDED STIPULATED ORDER REGARDING
ABBREVIATED SERVICE PROCEDURES**

I. Scope of Order

This order amends ECF 290. 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 (“BMS”), Otsuka America Pharmaceutical, Inc. (“OAPI”), and Otsuka Pharmaceutical Co., Ltd. (“OPC”), 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 BMS, OAPI, and OPC 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 BMS, OAPI, or OPC. Further, these procedures are only available in those cases where the claimed injury allegedly resulted from the use of purchase of Abilify.

D. OPC’s limited waiver in this Order is made without waiver of its defense of lack of personal jurisdiction and without prejudice to its right to assert a motion to dismiss for lack of personal jurisdiction as to cases covered by this Order at the close of discovery or the deadline for dispositive motions. OPC’s limited waiver in this Order may not be used against it in any other proceedings for any

purpose. Except for those cases covered by this Order, OPC reserves all of its rights regarding service of process.

III. Service of Process

A. Plaintiffs whose Complaints meet the requirements of Part I, *supra*, and who do not serve BMS 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 OAPI 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) MACampbe@winston.com;
- (2) LConnell@winston.com; and
- (3) RBrothers@winston.com

C. Plaintiffs whose Complaints meet the requirements of Part I, *supra*, and who do not serve OPC 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) MACampbe@winston.com;
- (2) LConnell@winston.com; and
- (3) RBrothers@winston.com

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

DONE AND ORDERED on this 19th day of October, 2017.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE