

IN RE TAXOTERE LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MIDDLESEX COUNTY

CASE TYPE: MCL NO. 628

MASTER DOCKET NO.:

MID-L-4998-18-CM

FILED

DEC 05 2018

Judge James F. Hyland

**CIVIL ACTION
IN RE TAXOTERE LITIGATION**

CASE MANAGEMENT ORDER NO. 1

THIS MATTER having come before the Court for a Case Management Conference on October 4, 2018, pursuant to the Initial Order for Case Management, and the Parties having met and conferred; and for good cause shown:

IT IS on the 5th day of December 2018,

ORDERED as follows:

LIAISON COUNSEL

1. There are matters common among all Plaintiffs and all Defendants that require the coordinated efforts of counsel, including discovery, communications with the Court, and motion practice, and the appointment of liaison counsel would aid in these efforts. Plaintiffs' liaison counsel shall (1) serve as the primary contact for communication between the Court and other Plaintiffs' counsel; (2) ensure that all notices, orders and material communications are properly distributed (to the extent they are not otherwise served on Plaintiffs' counsel); (3) convene meetings of counsel as determined to be necessary; and (4) otherwise assist in the coordination

of activities and positions of plaintiffs in this litigation. Defendants' liaison counsel shall serve the same function with respect to all defendants in this litigation.

2. Rayna Kessler of Robins Kaplan and Karen Beyea-Schroeder of Burnett Law Firm are hereby appointed as Co-Plaintiffs' Liaison Counsel.
3. Stephen Matthews of DLA Piper is hereby appointed as Defense Liaison Counsel for the Sanofi Defendants.
4. Aaron Van Nostrand and Lori Cohen of Greenberg Traurig are hereby appointed as Co-Defense Liaison Counsel for the 505(b) Defendants.
5. Counsel shall copy liaison counsel and all adversaries on all Court filings, e-mails and other electronic correspondence submitted to the court.
6. The Court may, from time to time, conduct phone conferences with liaison counsel.

PLEADINGS

7. Plaintiffs filed a Master Complaint on October 31, 2018.
8. Defendants shall answer, move, or otherwise respond to the Master Complaint by December 5, 2018.
9. Individual case specific pleadings shall not be filed in the master docket.
10. It is the Court's intent to have administrative dismissals which were entered during the pendency of the MCL application to be vacated. Therefore, the Parties shall work together to identify any cases administratively dismissed during the pendency of the MCL application and will meet and confer on how to proceed with each individual case.
11. Cases which are transferred from another court or have been bifurcated pursuant to the process noted above, shall retain the file date noted on the initial Complaint.

12. The Master Docket Number assigned to the Taxotere Litigation (MID-L- 4998-18) will only be used for the Master Complaint and Master Answer, if the parties elect to submit one.
13. All complaints will be assigned their own docket numbers. Any other documents submitted to the Court must use the docket number assigned to the complaint which the newly submitted document relates back to.
 - a. For example, if a complaint has a docket number of 1234, a pro hoc vice motion relating to that complaint must use in its caption, the docket number 1234, not the master docket number.
14. Going forward, all Answers must name a single Plaintiff and will be applicable only to the Plaintiff named.
15. Submission Policies and Procedures:
 - a. All pleadings should contain original signatures.
 - b. Certifications of Compliance shall only be one page in length.
 - c. Motions shall be filed by 12:00pm (noon) on the due date of the motion.
 - d. All papers submitted to the Court must be single sided.
 - e. All documents submitted to the Court for processing shall be sent to the following address:

56 Paterson Street
Tower Wing, 2nd Floor
Multi County Litigation Intake
New Brunswick, NJ 08901
 - f. Parties wishing to file documents with the Court must submit the original document plus two additional copies. If a party desires a return copy, the submission must include a self-addressed return envelope.
 - g. Orders will be posted on the Judiciary Website: <https://www.njcourts.gov>.

- h. Orders will be uploaded to the Judiciary Website by Tuesday after a designated Motion Day, except for holidays.
- i. Electronic filing of any kind will not be permitted on ECourts. No refunds will be issued for documents filed on ECourts.

OUTSTANDING PLEADINGS AND DISCOVERY

- 16. All deadlines and discovery requests in the individual actions remain stayed pending further order of the Court.
- 17. Defendants' objections and responses to all written discovery served by Plaintiffs is stayed pending further Order of the Court. The Parties are ordered to meet and confer as to the scope of the discovery served by Plaintiffs' counsel on October 3, 2018.
- 18. Plaintiffs will provide an update to the Court at or before the next case management conference as to the status of product identification for each individual Plaintiff.
- 19. Prior to the next case management conference, the Parties shall meet and confer as to an order for the product identification process.
- 20. The Parties shall meet and confer to discuss the use of existing MDL orders and procedures in this matter.
- 21. The Parties shall meet and confer to discuss the entry of an agreed upon Preservation Order, Protective Order and ESI Protocol prior to the next Case Management Conference.

PRO HAC VICE MOTIONS

22. Out-of- state counsel need only seek *pro hac vice* admission in one individual action of their choosing in order to participate in general MCL proceedings, and can later move for *pro hac vice* admission in additional individual actions if needed pending resolution of the status of product identification.

- a. Parties seeking to submit short-notice Pro Hoc Vice Motions must receive prior approval from Judge Hyland.

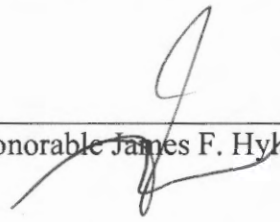
EX PARTE SUBMISSIONS

23. By December 3, 2018, Plaintiffs, collectively, the Sanofi Defendants, and the 505(b)(2) Defendants, collectively, shall each submit *ex parte* letters to the Court of no more than ten (10) pages stating their preliminary understanding of the facts involved in the litigation and the critical key timeline and events. These statements will not be filed with the Court, will not be binding, will not waive claims or defenses, and may not be offered into evidence against a party in later proceedings.

NEXT CASE MANAGEMENT CONFERENCE

24. The next Case Management Conference is scheduled for January 23, 2019 at 10:00 a.m. before the Undersigned in Courtroom 403 at the Middlesex County Courthouse, 56 Patterson Street, New Brunswick, New Jersey. The Parties shall submit a joint agenda to the Court listing the issues for the case management conference, via e-mail, by 12:00 PM on January 16, 2019. Counsel for Plaintiffs shall circulate a dial-in to all counsel of record and the Court prior to the conference.

25. The official record shall be the transcript provided by the Court reporter retained by counsel. The reporter shall preserve all proceedings and shall email a transcript of any Court proceeding to the court within fourteen (14) days of the proceeding.



Honorable James F. Hyland, J.S.C.