

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

MIRENA IUD PRODUCTS LIABILITY LITIGATION

This Document Relates To All Actions
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ORDER NO. 18
(Initial Disposition Pool)

13-MD-2434 (CS)

13-MC-2434 (CS)

Seibel, J.

This Order governs the selection of cases pending in MDL No. 2434 to be included in the Initial Disposition Pool.

I. Selection of Cases for the Initial Disposition Pool.

1. Each side shall select twelve cases for potential inclusion in the Initial Disposition Pool. Only cases in which a Plaintiff Fact Sheet has been completed and the Defense Fact Sheet has been served as of May 2, 2014 are eligible for selection to the Initial Disposition Pool. By 4 p.m. Eastern on June 3, 2014, Lead Counsel for the Plaintiffs' Steering Committee and Lead Counsel for the Defendants shall identify to the Court by email the party's selections for the Initial Disposition Pool.

2. The Court expects the parties to exercise good faith in selecting cases for potential inclusion in the Initial Disposition Pool, and to not select cases presenting unique or idiosyncratic facts that would render the results of these cases unenlightening. The Court cannot police this request and will not entertain applications regarding whether one side or another has abided by it. The Court merely sets forth its expectations.

3. Whether cases with certain characteristics should be excluded from the Initial Disposition Pool will be discussed at the next conference on Wednesday, May 14, 2014. The parties are directed to meet and confer on these issues, and to state their positions by letter not to exceed three pages, one week in advance of the conference.

4. Each side shall choose six cases to strike from the other party's June 3, 2014 Initial Disposition Pool selections. By 4 p.m. Eastern on June 17, 2014, Lead Counsel for the Plaintiffs' Steering Committee and Lead Counsel for the Defendants shall identify to the Court by email the party's strikes.

II. Voluntary Dismissal of Initial Disposition Pool Cases

5. After a case is selected for inclusion in the Initial Disposition Pool, the case may not be voluntarily dismissed without prejudice without a showing of good cause.

6. If an Initial Disposition Pool case is voluntarily dismissed by Plaintiffs, Defendants shall identify a replacement case to the Court within fourteen days of the dismissal order. If an Initial Disposition Pool case is dismissed due to resolution, Plaintiffs shall identify a replacement case to the Court within fourteen days of the dismissal order.

III. Selection of Initial Disposition Pool Cases for Trial

7. If a party in an Initial Disposition Pool case that is later selected for trial refuses to waive venue objections and consent to trial in the Southern District of New York, that party will be expected to consent to trial by the undersigned in the district where venue is proper.

8. The process for selecting Initial Disposition Pool cases for trial will be established by a future Order. When that Order should be entered will be discussed at the next conference.

IV. Potential Second Wave of Early-Discovery Cases

9. Whether to have a second wave of early-discovery cases will be discussed at the next conference. The parties should meet and confer and state their respective positions in the letters described in ¶ 3, above.

SO ORDERED.

Dated: April 9, 2014
White Plains, New York


CATHY SEIBEL, U.S.D.J.