

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE: TESTOSTERONE )  
REPLACEMENT THERAPY )  
PRODUCTS LIABILITY LITIGATION )**

**Case No. 14 C 1748**

**MDL No. 2545**

**CASE MANAGEMENT ORDER NO. 29  
(AbbVie's motion to amend Second Amended CMO 14)**

The Court has reviewed and considered AbbVie's motion to further amend Case Management Order (CMO) 14, which sets the schedule for selection and trial of, as well as discovery in, AbbVie bellwether cases. AbbVie has offered alternative proposals to extend the schedule by three months or four months.

The Court notes that it has already extended the AbbVie bellwether schedule significantly from the one first established in original CMO 14. At this point, the Court is concerned about, among other things, the impact on the remainder of the MDL proceeding and on coordination with state court litigation that would result from an extension of the length proposed by AbbVie. The Court also notes that it has, as of yesterday's date, excluded six cases from the AbbVie bellwether pool, which represents nearly twenty percent of the pool. This will significantly reduce the discovery burden on both sides. In addition, the Court has determined to modify Section II.C of Second Amended CMO 14, to provide that the Court will select up to eight bellwether trial cases, rather than twelve as set forth in that order. This will further reduce the discovery burden on both sides.

With these considerations in mind, the Court hereby orders an extension of each of the dates set forth in CMO 14 by six weeks. Counsel are directed to promptly

prepare a draft Third Amended CMO 14 making this adjustment as well as the reduction noted above regarding the number of bellwether trial cases to be selected.

The Court understands and appreciates the very large volume of discovery and other work involved in the case, both general and bellwether-specific. The Court believes, however, that it has allowed sufficient time to perform the necessary tasks in light of the level of attorney and paralegal staffing reasonably appropriate in litigation of this magnitude.

The Court is making no other modifications to the scope of discovery set forth in prior CMOs and its other orders. Both general and case-specific discovery are to continue to proceed as previously contemplated and ordered. The Court notes that in their response to AbbVie's motion, plaintiffs have suggested that AbbVie has not complied in timely fashion with certain discovery obligations. If that is actually the case, plaintiffs ought to be filing appropriate motions before the Court. Absent that, the Court is entitled to assume, and will assume, that matters are proceeding as they should.

Finally, the Court advises that it will not entertain any further requests to extend generally the schedule in CMO 14. The parties should assume that the schedule as now extended represents the final version, barring something unforeseeable.

Date: April 22, 2016

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