

Plaintiff ingested dosages of Lipitor of less than 80 mg prior to diagnosis of diabetes, the Court also granted summary judgment on the ground that these Plaintiffs had no evidence that created a genuine issue of material fact as to general causation. (CMO 100, Dkt. No. 1797).

The only cases now remaining in the MDL are cases that became a part of the MDL after the Court's January 25, 2016 order to show cause. The Court's analysis in CMO 99 and CMO 100 appears to apply to the remaining cases pending in this MDL. Therefore,


IT IS ORDERED THAT

- A. All remaining Plaintiffs in this MDL are **ORDERED TO SHOW CAUSE** why the Court should not grant summary judgment to Defendant(s) for the reasons stated in CMO 99 and CMO 100;
- B. If any Plaintiff believes that she could produce expert testimony on specific causation that would survive *Daubert* should the Court's ruling in CMO 55 be upheld on appeal, she shall provide notice to the Court within 15 days of the date of this Order and set forth with specificity how her case is distinguished from the Court's ruling in CMO 55. The Court will then promptly set a schedule in each such case for identifying expert witnesses, submitting expert reports, deposing identified experts and briefing on *Daubert* and dispositive motions;
- C. If any Plaintiff believes that she could survive summary judgment based on non-expert evidence of general or specific causation ***not previously raised by the PSC and addressed by the Court in CMO 99 and CMO 100,***¹ she must file a response within thirty (30) days of the date of this order. Pfizer may file a reply within fifteen (15) days of any response;

¹ The arguments previously raised by the PSC are preserved to the extent the CMO 99 and/or CMO 100 are vacated or reversed on appeal.

- D. For any new action docketed in this MDL on or after the date of this Order, the Clerk shall immediately provide a copy of this Order to Plaintiffs in said action, and the Plaintiffs shall comply with Paragraph B above within fifteen (15) days of the date that they are served with this Order and comply with Paragraph C above within thirty (30) days of the date they are served with this Order;
- E. In cases where a motion to remand is filed, this Order to Show Cause is stayed pending resolution of the motion to remand.

AND IT IS SO ORDERED.


Richard Mark Gerge
United States District Court Judge

January 3, 2017
Charleston, South Carolina