

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

IN RE: ABILIFY (ARIPIPRAZOLE)  
PRODUCTS LIABILITY LITIGATION

Case No. 3:16md2734

Chief Judge M. Casey Rodgers  
Magistrate Judge Gary Jones

This Document Relates to All Cases

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**CASE MANAGEMENT ORDER NO. 15**

The Court held the Fifteenth Case Management Conference in this matter on September 13, 2018. This Order serves as a non-exhaustive recitation of the key points of discussion during the conference.

**I. Supplemental Plaintiff Profile Forms**

The deadline to submit a Supplemental Plaintiff Profile Form and supporting documentation to BrownGreer PLC for each individual plaintiff whose case was a part of this MDL as of August 31, 2018 has been extended to **November 30, 2018**. In cases filed, removed, or transferred after August 31, 2018, the deadline for submission of the requisite materials to BrownGreer PLC remains unchanged; that is, the materials must be submitted within **60 days** after the date the case is first docketed in this district.

**II. Upcoming Case Management Conferences**

The 16th case management conference will be held on **October 26, 2018** in Pensacola, FL. The 17th case management conference will be held on **November 27,**

**2018** in Washington, DC. The 18th case management conference will be held on **December 20, 2018** in Pensacola, FL.

### **III. Six Fast-Track Cases**

Considering the number of cases dropped from the first discovery/trial pool, the Court has decided that six (as opposed to three) cases will be randomly selected from the 27 cases in the second discovery pool with *Lexecon* waivers from both sides, placed on a fast track for discovery, and set for trial in the spring of 2019. The trial date(s) will be set by separate order. Within **one week** of the six cases being identified, each of the six individual plaintiffs must provide: (1) a completed Plaintiff Fact Sheet, which must specifically identify each of the plaintiff's prescribing physicians; (2) medical, financial, and/or gambling records authorizations for each of the sources identified in the Fact Sheet; and (3) copies of relevant medical, financial, and/or gambling records in the plaintiff's or her counsel's possession. Defendants' Fact Sheets with respect to the six cases, including sales representative information, are due by **October 12, 2018**.

The Plaintiffs' Steering Committee and Joint Discovery Committee are directed to confer and submit a proposed discovery schedule for these six cases by **October 26, 2018**, given that the trial(s) will be held in spring 2019. The proposed schedule should include a briefing schedule for dispositive and other significant motions (*e.g.*, consolidation, punitive damages, statutes of limitations) that will need to be resolved before trial.

#### **IV. Second Discovery Pool**

The discovery process for the second discovery pool will proceed according to the schedule outlined in the Order Establishing Second Group of Potential Discovery and Trial Pool Cases, ECF No. 953, as hereby amended. For the 24 cases that are not placed on the fast track, each side will strike two cases (as opposed to five) by December 14, 2018, taking the total second discovery pool down to 20 cases. In all other respects, the selection and discovery process remains unchanged. The parties should be prepared to present a proposed discovery schedule for the second discovery pool at the case management conference in January 2019.

#### **V. Additional Custodian Discovery**

The parties are directed to confer regarding Plaintiffs' informal request for additional custodian discovery. If no agreement is reached, Plaintiffs must file an appropriate motion with respect to this issue by **September 27, 2018**. Defendants' response is due within **14 days** of Plaintiffs' filing.

#### **VI. Remand Motion, Case No. 3:18cv1612**

The individual case of *Johnson v. Bristol-Myers Squibb*, No. 3:18cv1612, originated in Nevada state court and was removed by Defendants to federal court on March 30, 2018. The individual plaintiffs moved to remand the case to state court and, before that motion was resolved, the Judicial Panel on Multidistrict Litigation transferred the case to this MDL. *See id.*, ECF Nos. 8, 41. If these plaintiffs still wish

to pursue their motion to remand, they must file a renewed motion on the docket for their individual case only within **14 days** of the date of this Order. Defendants' response is due within **14 days** of the plaintiffs' filing.

#### **VII. Limited Rexulti Discovery**

The Otsuka Defendants' response to Plaintiffs' Brief in Support of Limited Rexulti Discovery, ECF No. 864, is due by **September 27, 2018**. Defendant Bristol-Myers Squibb may file a separate response, which is also due on **September 27, 2018**. Plaintiffs' reply is due within **10 days** of Defendants' filings.

#### **VIII. California Cases—Personal Jurisdiction**

The Court has been advised that a number of the cases currently pending in this MDL, or in the process of being transferred to this MDL, originated in the California state courts but involve individual plaintiffs who are not residents of California or were otherwise not prescribed or allegedly injured by Abilify in California. Defendants have noted their objection to these claims on personal jurisdiction grounds. The parties are conferring about a joint stipulation with respect to these cases. If no agreement is reached, the parties are directed to submit a proposed briefing schedule for this personal jurisdiction issue by the next case management conference.

**DONE** and **ORDERED**, on this 14th day of September, 2018.

*M. Casey Rodgers*

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**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**