

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

IN RE: TAXOTERE (DOCETAXEL)) MDL No. 2740
PRODUCTS LIABILITY LITIGATION)
) SECTION: "H" (5)
)
THIS DOCUMENT RELATES TO:)
ALL ACTIONS)

CASE MANAGEMENT ORDER NO. 14A
(AMENDMENT TO TRIAL SCHEDULING ORDER)

The Court hereby amends paragraph 7(c) and paragraph 7(d) of CMO No. 14 (Rec. Doc. 3064) as follows:

7(c). Trial Pool Nomination. By **November 1, 2018**, eighteen (18) additional Plaintiffs shall be selected for inclusion in the Trial Pool for the third, fourth, and fifth trials as follows. Neither side shall select more than three (3) cases involving the same non-sanofi Defendant:

Plaintiffs: 9 Selections

Defendants (Collectively): 9 Selections

Three (3) of the nine (9) Plaintiff selections on **November 1, 2018** are replacements for the *Barbara Addelson, Kelly Gahan, and Jacqueline Mills* cases listed in paragraph 7(a) of CMO No. 14. Three (3) of the nine (9) Defendants' selections on **November 1, 2018** are replacements for the *Lisa Tuyes, Lisa Sylvest, and Keri Bland* cases listed in paragraph 7(a) of CMO No. 14. The *Christine Kinderdine* case listed in paragraph 7(a) of CMO No. 14 is withdrawn from the Trial Pool. The eighteen (18) cases selected on **November 1, 2018** shall be subject to Phase I discovery between **November 1, 2018** and **May 10, 2019**.

On **May 1, 2019**, twelve (12) additional plaintiffs shall be selected for inclusion in the Trial Pool for the fourth and fifth trials as follows:

Plaintiffs: 6 Selections

Defendants (Collectively): 6 Selections

The twelve (12) cases selected on **May 1, 2019** shall be subject to Phase I discovery between **May 1, 2019** and **September 30, 2019**.

For the selections on **November 1, 2018** and **May 1, 2019**, the Court expects the parties to select Plaintiffs whose claims are representative of the characteristics of claims in the litigation overall. Unless otherwise agreed upon by the parties or ordered by the Court, venue for each selected case must be proper in a United States District Court over which the United States Court of Appeals for the Fifth Circuit has jurisdiction. Plaintiffs nominated for the Trial Pool must have product identification as defined in Case Management Order No. 12A (Rec. Doc. 3492), and, unless otherwise agreed upon by the parties or ordered by the Court, must have single-defendant product identification. The Parties will each send their nominations in list format (including Plaintiff name and MDL Docket No.) to one another and the Court.

The parties retain all rights, including the right to assert any argument as to how to handle any Trial Pool case that is sought to be dismissed or excluded from the Trial Pool.

7(d). Initial Case-Specific Depositions in Trial Pool Cases. Absent good cause shown, or unless otherwise agreed upon, discovery in each of the Trial Pool cases shall be limited to the following: Defendant(s) may depose the Plaintiff and select three (3) additional witnesses to depose, and Plaintiffs may select two (2) witnesses to depose. The deadline for completing Phase 1 depositions in the Trial Pool cases for the second trial shall be **December 14, 2018**. The deadline

for completing Phase 1 depositions in the Trial Pool cases for the third trial shall be **May 10, 2019**. The deadline for completing Phase 1 depositions in the Trial Pool cases for the fourth and fifth trials will be **September 30, 2019**.

All other provisions of CMO No. 14 shall remain in full force and effect.

IT IS SO ORDERED.

New Orleans, Louisiana, this 8th day of November, 2018.

A handwritten signature in black ink, appearing to read "Jane T. Milazzo". The signature is written in a cursive, flowing style with a large initial "J".

HON. JANE T. MILAZZO
UNITED STATES DISTRICT JUDGE