

[Doc. No. 189]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

IN RE: BENICAR (OLMESARTAN)
PRODUCTS LIABILITY LITIGATION

Master Docket
No. 15-2606 (RBK/JS)

ORDER

The Court having held a discovery conference with the parties on November 18, 2015; and this Order intending to confirm the Court's rulings; and this Order also intending to address defendants' Motion for Reconsideration [Doc. No. 189] which will be GRANTED in part and DENIED in part as set forth herein; and accordingly,

IT IS HEREBY ORDERED this 23rd day of November, 2015, as follows:

1. The number of plaintiffs' depositions of defendants' employees and ex-employees shall be limited as stated herein. Plaintiffs may depose no more than twenty (20) employees or ex-employees of Daiichi Sankyo Co., LTD. ("Daiichi Japan"), no more than twenty (20) employees or ex-employees of Daiichi Sankyo, Inc. ("Daiichi U.S."), and no more than ten (10) employees or

ex-employees of Forest Laboratories, LLC, Forest Pharmaceuticals, Inc., and Forest Research Institute, Inc. (collectively "Forest"). These depositions shall focus on causation issues. Upon plaintiffs' application and for good cause shown, the Court may grant plaintiffs leave to take additional depositions.

2. Plaintiffs' depositions of Daiichi Japan and Daiichi U.S. employees and ex-employees will occur in two stages. The first stage shall commence on March 1, 2016 and end no later than April 29, 2016. These depositions shall focus on employees and ex-employees of Daiichi U.S. The second stage shall commence on May 2, 2016 and end no later than June 30, 2016. These depositions shall focus on employees and ex-employees of Daiichi Japan. Depositions of the Forest defendants' employees and ex-employees will be addressed in a future order.

3. Plaintiffs' depositions of Daiichi Japan's employees shall occur in Hawaii, absent consent of all parties to hold the depositions in another location.

4. Defendants may arrange for a second video camera at the depositions of the employees and ex-employees of Daiichi Japan, Daiichi U.S., and Forest for the purposes of video recording the questioning attorneys. Defendants shall bear the expense. The Court is not addressing at this time how and if the video recordings made by defendants may be used at trial.

5. Defendants are not required to provide plaintiffs with advanced notice of a potential Daiichi Japan deponent's travel to the United States.

s/ Joel Schneider
JOEL SCHNEIDER
United States Magistrate Judge