

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

IN RE: BENICAR (OLMESARTAN) : Master Docket
: No. 15-2606 (RBK/JS)
PRODUCTS LIABILITY LITIGATION :
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O R D E R

The Court having held a discovery and status conference with the parties on January 27, 2016; and this Order intending to confirm the Court's rulings; and for good cause shown,

IT IS HEREBY ORDERED this 29th day of January, 2016, as follows:

1. At defendants' request this Order clarifies that the personnel files of Daiichi deponents are not required to be automatically produced before each deposition. This Order is entered without prejudice to plaintiffs' right to request all or a portion of a deponent's personnel file in discovery.

2. By January 29, 2016, the parties shall meet and confer regarding the dates for the depositions of the Daiichi U.S. deponents. By February 3, 2016, the parties shall serve a joint letter with the final deposition schedule or a summary of any scheduling disputes.

3. In view of defendants' "impossibility" representation (see January 26, 2016 Letter Brief at 2, Doc. No. 249), and defendants' representation that they will use reasonable efforts to complete their document production earlier, the January 14, 2016 Order (Doc. No. 223 at ¶4) is amended. At least three (3) weeks before each Daiichi U.S. deposition defendants shall update the deponent's document production through the date that is sixty (60) days prior to the scheduled deposition.

4. Defendants' request for a one (1) week extension of time "to complete production for the remaining five percent of documents for the tier one deponents" (see January 25, 2016 Letter Brief at 2 (Doc. No. 244)), is GRANTED.

5. The parties shall meet and confer regarding a Deposition Protocol to be entered. The final Protocol or a joint letter listing the issues in dispute shall be served by February 29, 2016.

6. The parties shall meet and confer regarding the date and subject areas of plaintiffs' proposed Fed. R. Civ. P 30(b)(6) deposition regarding ROADMAP issues. Disputes shall be raised with the Court at the earliest practicable date, but no later than in advance of the March 30, 2016 status conference.

7. By February 12, 2016, defendants shall respond to plaintiffs' ROADMAP questions they agreed to answer. See plaintiffs' January 26, 2016 Letter Brief at 7-8 (Nos. 1-12),

Doc. No. 248. Defendants shall also respond to questions 13-16 on p. 8. Defendants' objections to the questions on pp. 14-20 (Nos. 1-20) are SUSTAINED. Defendants' objections to questions concerning the content of the ROADMAP/TMF documents and boxes on pp. 19-21 (Nos. 1-24) are also SUSTAINED.

8. Defendants' letter brief regarding the proposed Medical Records Protocol shall be served by February 3, 2016. See January 11, 2016 Letter Brief at 13, Doc. No. 219. Plaintiffs' response shall be served by February 10, 2016.

9. By February 10, 2016, plaintiffs shall serve their preliminary list of Daiichi Japan deponents and indicate which witnesses will certainly be included on plaintiffs' final list. The parties are encouraged to start discussing the logistics for the Japanese depositions to be held in Hawaii.

10. By February 19, 2016, plaintiffs shall identify the remaining ROADMAP boxes they want copied in addition to the boxes identified on pages 21-22 of plaintiffs' January 25, 2016 Letter Brief. [Doc. No. 248].¹ All objections shall be promptly raised with the Court as well as any disputes regarding the copying protocol. Copies of defendants' boxes shall be produced on a rolling basis with a completion date of March 19, 2016. After plaintiffs' list of boxes to copy is finalized, and absent

¹ Plaintiffs' numbers 12 and 13 were not specifically addressed. Any objections shall be raised for discussion during the February 12, 2016 conference call.

agreement of the parties, no further boxes shall be copied absent a showing of extraordinary good cause.

11. By February 29, 2016, plaintiffs shall respond to defendants' inquiries regarding "CD images rather than the information contained on the CD." See January 11, 2016 Letter Brief at 13, Doc. No. 219.

12. Defendants' production of Adverse Event Reports shall include correct report dates and shall not redact the report date, country of origin and date of event. Only applicable identifying information shall be redacted from the report source box.

13. Defendants shall produce the Corrective and Preventative Action Plans (CAPA's) by February 29, 2016. See id. at 14, No. 12.

14. To the extent not already done, by February 29, 2016, defendants shall produce their litigation holds with a list of recipients. Defendants shall also produce their document retention policies and the declaration pages from any insurance policy that may provide coverage for the claims in this litigation.

15. During the time the co-promotion agreement was in effect, Forrest shall produce its protocols that address the evaluation of and reporting of adverse events to defendants for the drugs at issue in this litigation. The parties shall meet

and confer on the date of production and shall advise the Court of any disputes; and it further

ORDERED that the parties' joint agenda for the February 12, 2016 conference call and March 3, 2016 status conference shall be served by noon the previous day.

s/Joel Schneider
JOEL SCHNEIDER
United States Magistrate Judge