

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<b>IN RE: PROTON-PUMP INHIBITOR PRODUCTS LIABILITY LITIGATION</b>	<b>2:17-MD-2789 (CCC)(MF) (MDL 2789)</b>
<b>This Document Relates to: ALL ACTIONS</b>	<b>Judge Claire C. Cecchi</b>

**CASE MANAGEMENT ORDER NO. 38**

The Court, after having held a case management conference on April 22, 2020 and having heard from the parties, enters the following ORDER:

1. The parties shall meet and confer on the New Jersey bellwether plaintiffs for the second trial setting under Case Management Order No. 33 [Doc. No. 513] and report back to the Court at the next status conference.

2. Counsel for bellwether plaintiff, Christine Bertram, shall provide to Defendants, an update on the appointment of a personal representative by May 6, 2020.

3. By April 29, 2020, the PSC shall meet and confer with the Defendants individually on the scope and timing of custodial file productions for sales representatives and their district managers.

4. By April 29, 2020, the parties shall meet and confer and update the Court on the 275 Weitz & Luxenberg cases subject to Defendants' tolling motions to dismiss, which Defendants have proposed should be subject to an Order to Show Cause.

5. Any dismissals subject to proposed CMO 9A (which the Court indicated shall be renamed as a numeric CMO without a letter, but rather as the next sequential CMO that is up) shall be without prejudice. Further and in light of the COVID-19 pandemic, the parties shall meet and confer on language to allow for electronic signatures for Plaintiff Fact Sheets submitted

in response to CMO 9A before submitting the final CMO to the Court for review and approval.

6. The Motion to Quash Third Party Discovery on Lucy Business Service shall be heard during the May 20, 2020 status conference.

7. The parties will meet and confer with respect to duplicate cases and Defendants' request for a process to evaluate new cases.

8. The PSC will provide a proposed order of dismissal for the Novartis entities by April 29, 2020.

9. The Court will not require witnesses who have been directly impacted by COVID-19 to sit for their deposition, but certain depositions that do not have any issues associated with the COVID-19 pandemic should proceed on a remote basis. Accordingly, as soon as reasonably practicable:

- a. The parties shall meet and confer as to which witnesses have personal or professional responsibilities relating to COVID-19 that impact their ability to prepare for and give a deposition and any disputes concerning the availability of a witness shall be brought to the Court's attention for resolution.
- b. The parties shall meet and confer on the PSC's proposed Order Regarding Remote Depositions.

10. The AstraZeneca Defendants shall update the Court on the status of its search for the requested clinical trial pathology at the next status conference.

11. The Court has scheduled a telephonic case management conferences for May 20, 2020 at 11 a.m. Dial-in information shall be included in the parties' Joint Report and Agenda, which shall be submitted by May 15, 2020.

SO ORDERED:

Dated: Newark, New Jersey  
May 11, 2020

A handwritten signature in black ink, appearing to read 'C. Cecchi', is written above a horizontal line.

CLAIRE C. CECCHI  
United States District Judge