

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

IN RE: INVOKANA (CANAGLIFLOZIN))	
PRODUCTS LIABILITY LITIGATION)	3:16-md-02750-BRM-LHG
)	
)	
)	JUDGE BRIAN R. MARTINOTTI
)	JUDGE LOIS H. GOODMAN
)	

THIS DOCUMENT RELATES TO: ALL CASES

ADMINISTRATIVE ORDER NO. 3

This matter having been resolved, in part, through the efforts of all parties; the Court having entered Administrative Order No. 1 on 16 August 2018 (ECF No. 270); counsel and the parties having substantially complied with the terms therein; the vast majority of the matters having been resolved and/or dismissed; counsel appearing for a status review and case management conference on July 24, 2019; the Court having considered the submissions, having conferenced with the parties, for good cause and the reasons set forth on the record,

IT IS on this 24th day of July 2019,

ORDERED that:

I. GENERAL

A. The litigants shall remain categorized into “Existing Plaintiff(s)”¹ and “New Plaintiff(s)”² as set forth in Administrative Order No. 1 (ECF No. 270) and shall

¹ Defined as plaintiffs with claims pending in MDL Docket No. 2750 prior to August 16, 2018 who have not yet resolved their claims

² Defined as plaintiffs who file new complaints on or after August 16, 2018 alleging injury resulting from the use of Invokana, whether the case is filed directly in this Court pursuant to the

continue to respond and produce information regarding their claims accordingly, as directed in that Order.

- B. The Court previously appointed the Honorable David R. Herndon, U.S.D.J. (ret.) as Special Master to address any issues relating to the common benefit order.

II. MEMBER CASE DELIQUENCIES

- A. *Sandra Kay Conover v. Janssen Pharmaceuticals, Inc., et al.*, Case No. 3:17-cv-11877

1. The Court finds notice pursuant to Section II.C was provided to Plaintiff's counsel on May 31, 2019 to comply with Administrative Order No. 1, Sections II.B requiring service of statement of preservation notice compliance upon Defendants by December 4, 2018; Sections III.B.(1)-(6) requiring production of discovery to Defendants by December 14, 2018; and Sections III.B.(7)-(8) requiring service of expert reports by January 11, 2019. The 30-day cure period expired on July 1, 2019. As of the date of submission of this order, Plaintiff has failed to provide any of the aforementioned materials.
2. Accordingly, Plaintiff shall **SHOW CAUSE** why her complaint should not be dismissed for failure to prosecute. Plaintiff shall file a written submission of not more than five (5) pages via CM/ECF by August 16, 2019. Failure to show cause or otherwise respond may result in dismissal of the matter with prejudice.

- B. *Derrick McGowan v. Janssen Pharmaceuticals, Inc., et al.*, Case No. 3:18-cv-597

1. On March 1, 2019, the Court granted Plaintiff's counsel's motion for leave to withdraw and ordered that Plaintiff was to either retain new counsel or inform the Court and the parties in writing that he intends to proceed pro se within forty-five (45) days of the Order—i.e. by April 15, 2019—and that failure to comply with the Order may lead to imposition of sanctions, including dismissal of Plaintiff's claim with prejudice. Sanders Phillips Grossman LLC filed an affidavit of service on March 11, 2019 reflecting service to Plaintiff Derrick McGowan via Federal Express on March 8, 2019. No appearance of new counsel or update has been filed for or by Plaintiff Derrick McGowan.

2. Accordingly, Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**. The dismissal shall convert to a dismissal with prejudice in 60 days if Plaintiff fails to appear or otherwise object. The Clerk's Office shall service a copy of this Order at the address listed for Plaintiff at Case No. 3:18-cv-597.

III. CASE MANAGEMENT

- A. Having received John Q. Lewis, Esq.'s Notice of Withdrawal of Appearance (ECF No. 293), the Court finds Mr. Lewis is no longer co-lead counsel for defendants.
- B. The next Case Management Conference is scheduled for October 24, 2019, at 11:30 a.m. in the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Courtroom PO 01, Newark, NJ 07101. Liaison Counsel to appear at 11:00 a.m. The Court will address issues concerning unresolved claims at that conference.

/s/Brian R. Martinotti

HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE