

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

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**IN RE: INVOKANA (CANAGLIFLOZIN)  
PRODUCTS LIABILITY LITIGATION**

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: **MDL NO. 2750**  
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: Case No. 3:16-md-2750  
:  
: **JUDGE BRIAN R. MARTINOTTI**  
: **JUDGE LOIS H. GOODMAN**  
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**THIS DOCUMENT RELATES TO: ALL CASES**

**CASE MANAGEMENT ORDER #25**

These matters, having been transferred to this Court by order of the Judicial Panel on Multidistrict Litigation pursuant to its order of December 7, 2016, merit special attention as complex litigation, the Court having entered an Initial Case Management Order [ECF No. 8] on December 21, 2016, setting forth the Court's parameters and expectations of counsel during the course of this litigation and having scheduled this initial case management conference, the Court having held a case management conference on January 11, 2018, for good cause shown and for the reasons set forth on the record, the Court enters the following Order:

**I. STATUS OF LITIGATION**

A. As of January 3, 2018, 1001 cases have been filed in this District with 902 complaints being served.

**II. ORDERS ENTERED SINCE CASE MANAGEMENT ORDER #24**

A. Clerk's Note dated December 4, 2017, cancelling the case management conference scheduled for December 6, 2017

### III. CASE MANAGEMENT

- A. Court Appointment – It is the Court’s continued intention to appoint a special master. Counsel shall continue to meet and confer regarding this appointment and shall report as to the status of same at the next case management conference.
- B. Plaintiff and Defense Fact Sheets and Implementing Order – Per CMO #18, entered June 16, 2017:
1. For cases assigned to the MDL as of May 3, 2017: Plaintiff Fact Sheets were due July 7, 2017. PSC is instructed to remind Plaintiffs’ counsel to supply its Plaintiff Fact Sheets to the defense.
  2. For cases assigned to the MDL after May 3, 2017: Plaintiff Fact Sheets are due within forty-five days of Defendants’ Notice of Answer and Affirmative Defenses pursuant to CMO #14.
- C. Pending Motions:
1. Jason Webster’s Motion to Resign from the PSC [ECF No. 235], filed October 10, 2017, will be addressed at the next case management conference.
  2. Consent Motion to Amend/Correct CMO No. 6 (Common Benefit Fund Order) [ECF No. 258], filed January 5, 2018, is **GRANTED**. PSC to file a proposed amended order Establishing Common Benefit Fees and Expense Funds for the Court’s approval.
- D. The Court maintains its expectation to have the first trial scheduled for September 2018. The parties are ordered to use this proposed trial date when scheduling discovery and pre-trial orders.

#### **IV. DISCOVERY AND PRE-TRIAL**

- A. Judge Goodman shall preside over all discovery matters. Pursuant to Local Civil Rule 5.3, all motions to seal shall be filed as omnibus motions.
- B. The parties shall continue to meet and confer regarding discovery and a proposed revised scheduling order and submit same to the Court prior to the next case management conference.

#### **V. GENERAL/SCHEDULING**

- A. The next case management conference is scheduled for February 8, 2018, at 11:00 a.m. Lead counsel and liaison counsel shall appear for the case management conference at 10:00 a.m.
  - 1. Telephonic Appearances – Counsel shall provide the court with a call-in number which the Court will activate prior to the conference. Counsel shall call in 10 minutes prior to the conference and keep their phone on mute.
  - 2. Submissions – Counsel is required to submit via email a joint agenda five (5) days prior to the next scheduled conference, which shall include an up to date list of Invokana cases pending in this Court. If there are any disagreements as to the agenda, counsel shall set forth each party's position
- B. Any counsel filing an appearance in this MDL shall forward his or her contact information to liaison counsel.
- C. Counsel may contact *ex parte*, for the purpose of settlement discussions only, Judge Martinotti via email at [brian\\_martinotti@njd.uscourts.gov](mailto:brian_martinotti@njd.uscourts.gov) or Judge

Goodman via lhg\_orders@njd.uscourts.gov.

D. Counsel shall abide by Judge Martinotti's and Judge Goodman's submission and communication procedures, respectively, unless and until the Court so orders superseding rules for this litigation.

Dated: January 11, 2018

*/s/Brian R. Martinotti*  
**BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**