

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: INVOKANA (CANAGLIFLOZIN)	:	MDL NO. 2750
PRODUCTS LIABILITY LITIGATION	:	Master Docket No. 3:16-MD-2750
	:	
	:	JUDGE BRIAN R. MARTINOTTI
	:	JUDGE LOIS H. GOODMAN
	:	

CASE MANAGEMENT ORDER NO. 26
(Modifying Bellwether Group A Deadlines and Vacating Group B Deadlines)

This order modifies specified deadlines for the Group A Bellwether Discovery Cases and Bellwether Trial Cases set forth in Case Management Order Nos. 10 and 20 and vacates all deadlines for the Group B Bellwether Discovery Cases and Bellwether Trial Cases set forth in Case Management Order No. 20.

I. GROUP A CASES

A. BELLWETHER CORE DISCOVERY CASES SELECTION AND DISCOVERY SCHEDULE

1. Between September 1, 2017 and April 30, 2018 Group A Bellwether Core Discovery shall take place, with a maximum of four (4) depositions per side for each case. This shall be designed to provide information to enable the parties to assess the larger pool of cases and to provide information to the Court to enable the Court to select which cases shall serve as the first bellwether trials. No extensions will be granted by the Court without good cause.

B. SELECTION OF CASES FOR FURTHER DISCOVERY AND BELLWETHER TRIALS

1. Following initial Bellwether Core Discovery, the parties shall submit separate proposals to the Court narrowing their initial selection of twelve (12) cases down (or however many remain) to four (4) cases recommended for further discovery and bellwether trials.

The parties shall choose two (2) cases from each of the two categories for a total of four (4) cases. Therefore, within each submission, there should be two (2) diabetic ketoacidosis cases selected and two (2) kidney injury cases selected. The submissions shall contain sufficient detail and analysis regarding their proposed selected cases and trial order.

2. The parties shall make their submissions to the Court on or before May 7, 2018.

3. By May 21, 2018, the Court will select three bellwether cases to serve as the first bellwether trials and the Court may designate the sequence of these bellwether trials.

4. Additional fact discovery regarding the three Group A bellwether trial cases may be conducted from May 22, 2018 through July 16, 2018, which may include additional written discovery and additional depositions (of new deponents only). No additional fact discovery by either party will be permitted in the bellwether cases that are not selected as the three final trial cases absent good cause.

C. EXPERT DISCOVERY AND DESIGNATIONS

1. Plaintiffs' Rule 26(a)(2) expert reports for the bellwether trial cases shall be served on or before July 23, 2018.

2. Defendants' Rule 26(a)(2) expert reports for the bellwether trial cases shall be served on or before August 20, 2018.

3. On or before September 4, 2018, plaintiffs shall designate any rebuttal expert witnesses for the bellwether trial cases.

4. Depositions of expert witnesses shall commence after defendants' expert reports are tendered or after any rebuttal is served if one is served. However, so as to try and begin expert depositions sooner, the parties will meet and confer in good faith to determine if in fact plaintiffs do intend to serve rebuttal expert reports for each expert, and if not, the parties may

endeavor to start expert depositions before September 4, 2018, but not before August 20, 2018.
All expert depositions shall be completed by October 22, 2018.

D. SUMMARY JUDGMENT MOTIONS, *DAUBERT* MOTIONS, AND PRETRIAL FILINGS

1. *Daubert* and all dispositive motions shall be filed on or before October 29, 2018.
2. Responses to *Daubert* and any dispositive motions shall be filed on November 27, 2018.
3. Replies to Responses to *Daubert* and any dispositive motions shall be filed on December 13, 2018.
4. Jury Selection in the first trial shall be January, 2019. An Order will later be issued with deadlines for pre-trial exchanges, motions *in limine*, pre-trial conferences and additional trial settings.

II. GROUP B CASES

All Bellwether Group B deadlines set forth in Case Management Order No. 20 are vacated.

In light of the foregoing, the case management conference scheduled for February 8, 2018, is CANCELLED. The next case management conference is scheduled for March 8, 2018.

IT IS SO ORDERED.

Date: February 5, 2018

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