

**UNITED STATES DISTRICT COURT
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. 7
(Dismissal of Mitsubishi Tanabe Defendants – Stipulated)

The parties met and conferred and, after extensive negotiation and the agreement of counsel, have proposed the following agreed plan to address issues relating to Defendants Mitsubishi Tanabe Pharma Corporation, Mitsubishi Tanabe Pharma Holdings America, Inc., Mitsubishi Tanabe Pharma Development America, Inc., and Tanabe Research Laboratories, U.S.A., Inc. The Court finds the agreed plan to be appropriate and, thus, hereby **ORDERS AS FOLLOWS:**

1. For any cases currently pending in IN RE: INVOKANA (CANAGLIFLOZIN) PRODUCTS LIABILITY LITIGATION, MDL No. 2750 (“MDL No. 2750”), within 30 days of entry of this Order Plaintiffs shall dismiss *without prejudice* Defendants Mitsubishi Tanabe Pharma Corporation, Mitsubishi Tanabe Pharma Holdings America, Inc., Mitsubishi Tanabe Pharma Development America, Inc., and Tanabe Research Laboratories, U.S.A., Inc. (hereafter “Dismissed Defendants”).

2. For any cases filed in, removed to, or transferred into MDL No. 2750 after the date of this Order, within 30 days of the filing, removal or transfer into MDL 2750, Plaintiffs shall voluntarily dismiss *without prejudice* any Dismissed Defendants named in the complaint.

3. Dismissed Defendants shall preserve documents under the Federal Rules of Civil Procedure and applicable case law as if they remained defendants. Mitsubishi Tanabe Pharma Corporation issued a hold notice on January 20, 2016. Mitsubishi Tanabe Pharma Corporation stipulates, without waiving any objections under applicable law, that it will cooperate with Defendants in providing preclinical and clinical trial information responsive to Plaintiffs' Discovery Requests to Defendants to the extent Defendants are not already in possession of such information.

4. Defendants, stipulate that Mitsubishi Tanabe Pharma Corporation is a licensor of a molecule used in Invokana and Defendants shall not argue that Dismissed Defendants are at fault or in any manner a culpable, responsible or necessary party in place of or in conjunction with Defendants.

5. Plaintiffs have the right to seek leave of the Court to re-join Dismissed Defendants to actions in MDL No. 2750, provided such effort takes place no later than 18 months from the date of this Order. The Court shall grant such leave if justice so requires or with consent of Dismissed Defendants.

6. All defenses of Dismissed Defendants are preserved, including all defenses under Federal Rule of Civil Procedure 12. In the event the Court grants leave to re-join Dismissed Defendants to actions in MDL No. 2750, the claim(s) against Dismissed Defendants shall be deemed to relate back to the original filing of the individual complaint(s) in which Dismissed Defendants are joined.

7. Subject to paragraphs 5 and 6 above, Plaintiffs are directed not to name the Dismissed Defendants in future actions that are either filed in MDL No. 2750 pursuant to Direct Filing Order and those that are transferred to this MDL under Section 1404(a), shall dismiss the

Dismissed Defendants in accordance with paragraph 2, above.

IT IS SO ORDERED, this 21st day of March, 2017.

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