

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

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**IN RE: PROTON-PUMP INHIBITOR  
PRODUCTS LIABILITY LITIGATION**

**2:17-MD-2789 (CCC)(MF)  
(MDL 2789)  
and all member and related cases**

**This Document Relates to: ALL ACTIONS**

**Judge Claire C. Cecchi**

**CASE MANAGEMENT ORDER NO. 18  
PRODUCTION SCHEDULE FOR THE  
TAKEDA DEFENDANTS**

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WHEREAS on June 12, 2018, the Court ordered Takeda to produce up to 135 Custodial Files<sup>1</sup>;

WHEREAS Takeda previously identified to the PSC 14 Custodians (“Wave 1 Takeda Custodians”) whom it believes are most likely to possess relevant Documents and for whom Custodial Files will be produced, consistent with ESI Protocol and Takeda shall confirm to the PSC that the Wave 1 Takeda Custodial files are “Substantially Complete”<sup>2</sup> by August 31, 2018;

WHEREAS on June 13, 2018, the PSC provided Takeda with a list requesting the production of Custodial Files for 51 additional custodians (“Wave 2 Takeda Custodians”), consistent with the Court’s rulings on June 12, 2018;

It is hereby ORDERED:

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<sup>1</sup> As defined in the Order Regarding the Format of Production of Hardcopy Documents and Electronically Stored Information (“ESI Protocol”).

<sup>2</sup>The term “Substantially Complete” means the completion of the production of documents identified and collected for a particular custodian after a reasonable search of available Custodial File sources with the exception of: (1) documents that may be produced together with a privilege log after additional privilege review or (2) documents requiring substantial work in connection with their production (including, for example, complex foreign language documents requiring redaction or privilege review, or large Excel files requiring extensive redactions). Each category of documents in (2) that is not produced with the Custodial File will be specifically identified by Takeda at the time of the Custodial File production along with an estimated date for the production of the identified categories.

**I. Custodial File Production**

1. By July 6, 2018, the PSC shall provide Takeda with its proposed prioritization of custodians for Wave 2, and the parties shall meet and confer if Takeda is unable to accommodate such prioritization for production.

2. By August 31, 2018, Takeda shall produce the Custodial Files for the Wave 1 Takeda Custodians along with a statement that the production of such Custodial Files is Substantially Complete.

3. Takeda shall produce the 51 Custodial Files for Wave 2, along with a statement that the production of such Custodial Files is Substantially Complete as described herein, as follows:

- a. 10 Custodial Files by October 15, 2018;
- b. 10 Custodial Files by November 15, 2018;
- c. 10 Custodial Files by December 15, 2018;
- d. 12 Custodial Files by January 15, 2019; and
- e. 9 Custodial Files by February 15, 2019.

The parties will confer to the extent, if any, additional time is needed for any custodians who primarily communicate in a language other than English.

4. By November 15, 2018, the PSC shall provide to Takeda a list of 12 Custodial Files (Wave 3). Takeda shall produce the 12 Custodial Files for Wave 3, along with a statement that the production of such Custodial Files is Substantially Complete as described herein, by March 15, 2019.

5. By December 15, 2018, the PSC shall provide to Takeda a list of 12 Custodial Files (Wave 4). Takeda shall produce the 12 Custodial Files for Wave 4, along with a statement

that the production of such Custodial Files is Substantially Complete as described herein, by April 15, 2019.

6. By January 15, 2019, the PSC shall provide to Takeda a list of 12 Custodial Files (Wave 5). Takeda shall produce the 12 Custodial Files for Wave 5, along with a statement that the production of such Custodial Files is Substantially Complete as described herein, by May 15, 2019.

7. By February 15, 2019, the PSC shall provide to Takeda a list of 9 Custodial Files (Wave 6). Takeda shall produce the 9 Custodial Files for Wave 6, along with a statement that the production of such Custodial Files is Substantially Complete as described herein, by June 15, 2019.

8. **Additional Custodial Files:** The PSC may identify up to an additional 25 Custodial Files for production, although no more than 5 additional Custodial Files can be requested in any 30-day period. The parties will confer to insure that any additional requests that are made can be produced prior to the close of general discovery. The PSC shall make reasonable efforts to provide at least 90 days advance notice. For each such request, the parties shall meet and confer regarding a production date for the additional Custodial Files.

9. The PSC and Takeda shall meet-and-confer if Takeda is unable to meet any of these deadlines despite all reasonably practical efforts. Any disputes shall be submitted promptly to the Court for resolution.

10. The PSC may make reasonable requests, and Takeda will attempt to reasonably accommodate, priorities for production among the files requested.

11. Takeda reserves all rights to object to a file request on any grounds and will notify the PSC in writing of any objections to a particular request and provide a summary of the reason

for each objection. The PSC and Takeda will meet and confer on any objections and, if not resolved, either party may submit the dispute to the Court.

**II. Depositions of Takeda Corporate Witnesses**

A. Per Court order, the PSC is entitled to up to 50 depositions of Takeda corporate witnesses. This number does not include any Takeda 30(b)(6) depositions that have been or still may be taken.

**III. Meet and Confer on Open Production Issues**

A. The parties shall continue to meet and confer in good faith to negotiate additional production issues, including: (a) the deadlines by which various types of non-custodial productions shall be completed; (b) a process for notification of the completion of production of non-custodial documents; and (c) a process to provide for periodic updates of select custodial and non-custodial sources throughout the litigation. If Takeda and the PSC are unable to agree, they may submit letters setting forth their respective positions on the issues identified in Section III.A., in advance of the July status conference or at another schedule agreed to by Takeda and the PSC.

SO ORDERED:

Dated: Newark, New Jersey  
June 22, 2018

  
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CLAIRE C. CECCHI  
United States District Judge