

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

**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. 19  
(Production Schedule for Pfizer/Wyeth)**

---

Plaintiffs' Steering Committee and the Pfizer and Wyeth Defendants (hereafter "Pfizer") having met and conferred regarding Pfizer's production schedule have agreed to the following ORDER:

**I. Custodial File Production**

A. The parties have agreed that there shall be a presumptive limit ("soft cap") of 80 Custodial File productions to be made by Pfizer for the general liability aspect of this litigation. Each Custodial File<sup>1</sup> shall be produced substantially complete.<sup>2</sup> In light of the manner in which it will produce documents, Pfizer shall notify the PSC that the production is substantially complete (subject to the exceptions noted in the footnote below) when it produces each Custodial File. Any supplemental production of documents (for example, those Pfizer determines are not privileged) shall be produced no less than 30 days before a custodian's deposition consistent with B.1. of the Privilege Log Order (Doc. 83), and the parties shall schedule depositions consistent with these deadlines. These files shall be produced on the following schedule:

---

<sup>1</sup> As defined in the ESI Order.

<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 Pfizer at the time of the Custodial File production along with an estimated date for the production of the identified categories.

B. **2018 Production Schedule:** Pfizer shall complete the production of 33 Custodial

Files on or before November 30, 2018 and in the following manner:

1. To date, Pfizer has identified 13 Nexium custodians (Wave 1). Pfizer shall substantially complete the production of Wave 1 on or before July 20, 2018.
2. To date, Pfizer has identified 15 Protonix custodians (Wave 2). Pfizer shall substantially complete the production of Wave 2 on or before October 1, 2018.
3. By August 24, 2018, the PSC shall identify 5 Custodial Files for Wave 3. The PSC shall group its custodians by product to facilitate collection and production in accordance with this schedule. Pfizer shall substantially complete the production of Wave 3 on or before November 30, 2018.

C. **2019 Production Schedule:** Pfizer shall substantially complete the production of

the next 40 Custodial Files on or before May 15, 2019 and in the following manner:

1. By October 12, 2018, the PSC shall identify 15 Custodial Files for Wave 4. The PSC shall endeavor to group its custodians by product to facilitate collection and production in accordance with this schedule. Pfizer shall substantially complete the production of Wave 4 on or before February 8, 2018.
2. By December 14, 2018, the PSC shall identify 15 Custodial Files for Wave 5. The PSC shall endeavor to group its custodians by product to facilitate collection and production in accordance with this schedule. Pfizer shall substantially complete the production of Wave 5 on or before March 29, 2018.
3. By February 1, 2019, the PSC shall identify 10 Custodial Files for Wave 6. The PSC shall endeavor to group its custodians by product to facilitate collection and production in accordance with this schedule. Pfizer shall substantially complete the production of Wave 6 on or before May 15, 2018.

D. **Additional Custodial Files:** The PSC may identify up to an additional 7

Custodial Files for production, but no more than 2 additional Custodial Files can be requested in

any 30-day period absent Pfizer's consent. For each such request, the parties shall meet and confer regarding a production date for the additional Custodial Files.

**II. Depositions of Pfizer and Wyeth Corporate Witnesses**

The PSC is entitled to up to 30 depositions of Pfizer corporate witnesses (whether that person is a current or former employee of Pfizer or Wyeth). This number does not include the previously-noticed 30(b)(6) deposition on government affairs/lobbying.

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

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 Pfizer and the PSC are unable to agree, they may submit letters setting forth their respective positions on the issues identified in this section on a schedule agreed to by Pfizer and the PSC.

SO ORDERED:

Dated: Newark, New Jersey  
June 25, 2018



---

CLAIRE C. CECCHI  
United States District Judge