

**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**

**Judge Claire C. Cecchi**

**This Document Relates to:  
All cases listed in Exhibit A**

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**CASE MANAGEMENT ORDER NO. 62  
(Order to Prove Service or Show Cause)**

The Special Master has been informed by Eisai Co., Ltd. and Eisai Medical Research, Inc. (collectively, the “Eisai Defendants”) that there are cases currently pending in MDL 2789 that were filed on or before April 30, 2021 and that name the Eisai Defendants as defendants in which service of the summons and complaint has not been effected.

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

The attached Exhibit A identifies cases where the Eisai Defendants allege that service has not been effected on them and there does not appear to be any proof of

such service on the docket of the identified case.<sup>1</sup> The plaintiffs on the attached Exhibit A are hereby ordered within thirty days of the date of this order to (1) establish that service was effected on the Eisai Defendants as required by Rule 4(m) by filing proof of service, (2) voluntarily dismiss the Eisai Defendants, or (3) show cause why the Eisai Defendants should not be dismissed. *See MCI Telecomms. Corp. v. Teleconcepts, Inc.*, 71 F.3d 1086, 1097 (3d Cir. 1995). Plaintiffs shall file their responses to this Order, including proof of service, on the docket of their individual case and e-mail a copy to [ppispecialmaster@rkgattorneys.com](mailto:ppispecialmaster@rkgattorneys.com). Within thirty days after a plaintiff files a response to this Order, the Eisai Defendants may file a response on the docket of the individual case and e-mail a copy to [ppispecialmaster@rkgattorneys.com](mailto:ppispecialmaster@rkgattorneys.com).

Failure to comply with the terms of this Order will result in the dismissal of the case as to the Eisai Defendants.

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<sup>1</sup> To the extent that there are other defendants in the cases identified on Exhibit A who have not yet been served, such defendants will be the subject of separate case management orders.

**SO ORDERED**

SIGNED on this 19th day of November, 2021.



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ELLEN K. REISMAN

Special Master

|    | <b>Plaintiff Name</b>  | <b>Case No.</b> |
|----|--|-----------------|
| 1  | Douglas Desson   | 2:19-cv-02115   |
| 2  | George Marines, Individually and as the Representative of the Estate of Petra Marines, Deceased  | 2:19-cv-02199   |
| 3  | Henry Shuster  | 2:19-cv-02445   |
| 4  | Barbara Zajack   | 2:19-cv-03663   |
| 5  | Alvin Williamson   | 2:19-cv-06848   |
| 6  | Derek Foster   | 2:19-cv-10058   |
| 7  | Agnes Guan   | 2:19-cv-10063   |
| 8  | Elizabeth Hoover, Individually and as Representative of the Estate of Katharina Hoover, Deceased | 2:19-cv-10069   |
| 9  | Sylvia Rinebold  | 2:19-cv-10090   |
| 10 | Jo Ann Thomas  | 2:19-cv-10112   |
| 11 | Rosa Vega  | 2:19-cv-10129   |
| 12 | Jack Tazzi   | 2:19-cv-14735   |
| 13 | Allen Smith, Individually and as the Representative of the Estate of Margaret Smith, Deceased    | 2:19-cv-18308   |