

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

In re: Allergan Biocell Textured Breast Implant
Product Liability Litigation

MDL No. 02921
Case No. 2:19-md-02921 (BRM) (JAD)

This Document Relates to:
All Cases

**AMENDED CASE MANAGEMENT ORDER #7
(Service on Allergan, Inc. and Allergan USA Inc.)**

I. SCOPE OF THE ORDER

This Order shall govern: (1) cases transferred to this Court by the Judicial Panel on Multidistrict Litigation, pursuant to its Order of December 18, 2019; (2) any tag-along actions subsequently transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 7.1 of the Rules of Procedure of that Panel; and (3) all related cases originally filed in this Court, or transferred or removed to this Court.

This Order only applies to cases brought by United States citizens or residents who presently or previously had Allergan Biocell® textured breast implants or tissue expanders that were implanted in the United States and who assert claims related to Breast Implant Associated Anaplastic Large Cell Lymphoma (“BIA-ALCL” or “BIA-ALCL Cases”).

II. STREAMLINED SERVICE OF PROCESS FOR ALLERGAN, INC. AND ALLERGAN USA INC.

A. Allergan, Inc. and Allergan USA Inc. agree to waive formal service of process under Federal Rule of Civil Procedure 4 and to accept service of BIA-ALCL Cases that are properly commenced in, removed to, or transferred to this MDL. By waiving formal service of process, Allergan, Inc. and Allergan USA Inc. do not waive any defenses available to them.

B. These procedures for informal service of process are not available in cases in which the Plaintiff seeks remand to state court, unless and until remand is denied. For Plaintiffs seeking remand, all deadlines set forth in this Order run from the date on which remand is denied.

C. *Procedure.* The Complaint and a Summons shall be served by electronic mail (“email”) to the following address: MDL2921Pleading@reedsmith.com. Each email sent to this address shall only contain one Complaint and Summons per case, and the subject line of each email shall state the first and last name of the first Plaintiff listed in the caption and the originating court. The body of each email must also include contact information for counsel of record.

i. Service will be effective only if addressed as above. General mailing or use of other methods of transmission, including but not limited to Federal Express or email to an alternate address, will not be sufficient to effect service.

ii. Plaintiffs should receive an automatic reply from the mailbox address when a Complaint is served. If no such reply is received within twenty-four (24) hours, Plaintiffs should re-serve it pursuant to the terms of this Order. Upon successful email service, the date of the initial effort to serve the Complaint via email shall be deemed the date of service.

D. *Timing.* Plaintiffs whose Complaints are not subject to Paragraph B; who have not already served Allergan, Inc. and Allergan USA Inc.; and whose case has not yet been docketed in the MDL shall have ninety (90) days from the date the case is docketed in the MDL to serve the Complaint with a Summons. Cases that already have been docketed in this MDL (and that are not subject to Paragraph B) shall have sixty (60) days from entry of this Order to serve the Complaint with a Summons.

E. Allergan, Inc. and Allergan USA Inc. agree to provide thirty (30) days written notice before moving to dismiss for a technical defect in the service process described in this CMO.

Failure to serve a Complaint within the time periods set forth above will be subject to the standards governing Fed. R. Civ. P. 4(m). Other than those based on formal service of process, Allergan, Inc. and Allergan USA Inc. reserve all other rights and defenses available to them under federal or state law and under applicable treaties and conventions.

Date: May 6, 2020

/s/Brian R. Martinotti

HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE