## UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

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## IN RE: BENICAR (OLMESARTAN) PRODUCTS LIABILITY LITIGATION

THIS DOCUMENT RELATES TO ALL CASES

MDL 2606 JUDGE ROBERT B. KUGLER MAG. JUDGE JOEL SCHNEIDER

## CASE MANAGEMENT ORDER NO. 30 REGARDING CENSUS OF CLAIMS

In the management of this litigation as the transferee District, it is necessary to have a more accurate census of the cases, as well as claims of putative plaintiffs, represented by Counsel with cases pending before this Court. To that end, this Order requires the registration of all cases and unfiled claims of putative plaintiffs who are represented by Counsel and who allege a personal injury as a result of the use of an Olmesartan Product. "<u>Olmesartan Product</u>" means a Product manufactured, distributed, marketed or sold by or for Daiichi Sankyo, Inc. containing the pro-drug olmesartan medoxomil, which is metabolized in the body to the active compound olmesartan, to include Benicar, Benicar HCT, Azor and Tribenzor.

This Order applies to all Counsel who represent one or more plaintiffs in this Multidistrict Litigation No. 2606 ("Plaintiffs").

The Court hereby orders the registration of claims as follows:

1. Primary Counsel, defined below, shall register all claims alleging a personal injury relating to Olmesartan Products, in which they have an Interest (as defined below in Paragraph 2), whether (a) pending in this proceeding, (b) pending in any other jurisdiction or tribunal in the United States, or (c) not yet filed in any jurisdiction. If a case has been filed by one law firm, Primary Counsel shall be the Counsel of Record. If a case has been filed by more than one firm, the firms filing such a case shall designate one firm among them as Primary Counsel. All Counsel in this proceeding shall be responsible for ensuring that all claims relating to Olmesartan Products in which they have an Interest are registered by Primary Counsel in accordance with this Order, and shall coordinate with Primary Counsel to avoid submission of the same claim by multiple Primary Counsel.

Counsel shall be deemed to have an "Interest" in an Olmesartan Claim if Counsel:
(a) has an engagement or retainer agreement with a person to represent that person in relation to Olmesartan Products; (b) is listed as the counsel of record for a Plaintiff in filed pleadings related to Olmesartan Products; or (c) has entered an appearance for a Plaintiff in any legal action related to Olmesartan Products.

3. Primary Counsel shall fully comply with this Order, and shall provide the information required by this Order completely and accurately, on or before 11:59 pm ET on August 25, 2017. The census submission from each Primary Counsel shall provide the information required current as of the time of the submission.

4. Primary Counsel shall register claims by using the online Registration function at <u>www.OlmesartanProductLitigationSettlement.com</u>, either by providing the information required by that function for each claim individually or by completing and uploading the Census Spreadsheet available at that website for this purpose. Primary Counsel shall not modify the format or fields required by the Census Spreadsheet. The Claims Administrator promptly shall make all registration information available to the Plaintiffs'

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Negotiating Committee and Counsel for the Defendants in Adobe pdf format and Excel format.

5. When registering claims in accordance with this Order, Primary Counsel must certify, pursuant to 28 U.S.C. § 1746 and using the online function for this purpose, that all information provided to register claims is true, complete and correct, to the best of his or her knowledge. Submission of registration information under Paragraph 4 constitutes a representation to the Court that the information provided is true, complete and correct.

6. The Court expects all Counsel to comply with this Order. Failure to meet the requirements of this Order by the deadlines set herein may subject non-compliant Counsel, upon application to the Court by motion, to a show cause hearing as to why sanctions should not be entered.

THUS DONE AND SIGNED in Camden, New Jersey, this 1st day of August, 2017.

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HONORABLE ROBERT B. KUGLER UNITED STATES DISTRICT COURT