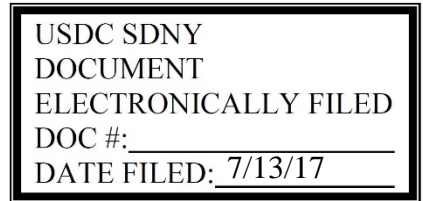


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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IN RE:	:	
	:	
FARXIGA (DAPAGLIFLOZIN) PRODUCTS	:	17-MD-2776 (LGS)
LIABILITY LITIGATION	:	17-MC-2776 (LGS)
	:	
<i>This Document Relates to</i>	:	<b><u>ORDER No. 7</u></b>
	:	
-----X		

LORNA G. SCHOFIELD, District Judge:

WHEREAS, a conference was held on July 7, 2017, it is hereby **ORDERED** that:

**I. LEADERSHIP STRUCTURE**

The leadership structure proposed by Plaintiffs is adopted. Ellen Relkin (Weitz & Lutzenberg, P.C.) and Holly Dolejsi (Robins Kaplan LLP) shall serve as Co-Lead Counsel. Danielle Gold (Weitz & Lutzenberg, P.C.) shall serve as Liaison Counsel.

The following attorneys shall serve on Plaintiffs' Steering Committee: Ellen Relkin, Holly Dolejsi, Danielle Gold, Brian Tadtman (Peterson & Associates), Laura Pittner (GoldenbergLaw, PLLC), Robert Orlando (The Orlando Firm, P.C.) and Jessica Perez Reynolds (Pendley, Baudin & Coffin, LLP).

**II. CONSOLIDATED COMPLAINT**

Plaintiffs shall file a Consolidated Complaint by August 4, 2017.

**III. DISPOSITIVE MOTIONS**

**A. Texas Cases**

As provided in Order No. 5, Defendants shall file their motions to dismiss the Texas cases by July 7, 2017. Plaintiffs shall file their responses by August 4, 2017. Defendants shall file their replies by August 15, 2017.

## **B. Global Motions**

A motion to dismiss the Consolidated Complaint will be accepted. In anticipation of such a motion, Defendants shall send Plaintiffs a letter summarizing the bases for Defendants' intended motion to dismiss no later than July 14, 2017. If Defendants cannot meet the July 14, 2017, deadline, they shall confer with Plaintiffs' counsel to agree on an alternate date for providing the letter. The parties shall file an agreed upon briefing schedule for the motion by August 11, 2014.

## **IV. BELLWETHER TRIALS**

The Court will conduct four bellwether trials following the conclusion of discovery. Two cases will be selected by Plaintiffs, and cases will be selected by Defendants. The parties shall file a joint letter submitting their proposed bellwether cases by November 6, 2017.

## **V. DISCOVERY SCHEDULE**

By July 20, 2017, the parties shall file a revised discovery schedule adopting the dates proposed in parties' June 19, 2017, joint proposed discovery schedule and including dates for discovery in the bellwether cases. The parties may file the revised discovery schedule as a proposed order or as a letter.

## **VI. SCIENCE DAY**

"Science day" shall be held on November 8, 2017, at 10:30 a.m. Each party shall each aim to present their background information in two hours, with the understanding that if more time is necessary, more time will be made available. The parties may choose how they want to present their information, and may bring in experts at their discretion. The parties shall not provide the Court with information ahead of time. No transcript may be prepared of the proceedings, and they may not be used for impeachment or any other evidentiary purpose.

**VII. ESI SEARCH TERMS**

The parties shall endeavor to resolve their remaining disputes over ESI search terms. In the event that disputed terms remain, each side may file a letter of no more than 4 pages by July 17, 2017, setting forth its respective position.

**VIII. NEXT CONFERENCE**

The parties shall attend a status conference on August 9, 2017, at 11:00 a.m. As provided in Order No. 1, parties with similar interests may agree as to any conference, unless otherwise ordered, to have an attending attorney represent their interests instead of attending through their own attorney or, if pro se, in person.

By August 4, 2017, at 5:00 p.m., the parties shall file a joint status letter and proposed conference agenda not to exceed seven pages.

**IX. SUMMARY OF DEADLINES**

For ease of reference, the deadlines in this Order are listed in the table below.


<b>Deadline</b>	<b>Submission or Action</b>	<b>Party or Parties</b>	<b>Maximum Length</b>
July 7, 2017	<u>Motion to dismiss Texas actions and supporting Memorandum of Law</u>	Defendants	See LGS Individual Rules (25 pages)
July 14, 2017	Exchange of pre-motion letter in support of global motion to dismiss (not to be filed)	Defendants	N/A
July 17, 2017	<u>Letters on ESI positions</u>	Both parties	4 pages
July 20, 2017	<u>Revised discovery schedule</u>	Joint Submission	N/A
August 4, 2017	<u>Consolidated Complaint</u>	Plaintiffs	N/A
August 4, 2017	<u>Status letter and proposed agenda for August 9, 2017 conference</u>	Joint submission	7 pages
August 4, 2017	<u>Response in opposition to motion to dismiss Texas actions.</u>	Plaintiffs	See LGS Individual Rules (25 pages)

August 11, 2017	<u>Briefing schedule for motion to dismiss Consolidated Complaint</u>	Joint submission	N/A
August 15, 2017	<u>Reply in support of motion to dismiss Texas actions.</u>	Defendants	See LGS Individual Rules (10 pages)
November 6, 2017	<u>List of proposed bellwether cases</u>	Joint submission	N/A

Each underlined submission listed in this table shall be filed in both 17-MD-2776 and 17-MC-2776. Actions that are not underlined **should not be filed** in either case file.

SO ORDERED.

Dated: July 13, 2017  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**