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Case No. N25C-10-202 DEP

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN RE: DEPO-PROVERA LITIGATION	**CASE VETTING AND DEFICIENCY PROCESS ORDER** **Case No. N25C-10-202 DEP**

ORDER
PROCEDURE FOR CASE VETTING AND IDENTIFICATION
OF DEFICIENCIES IN THRESHOLD PROOF OF USE AND INJURY

WHEREAS there are numerous pending and anticipated case filings before the Superior Court of the State of Delaware alleging the development of meningiomas in connection with the use of depot medroxyprogesterone acetate-containing products (hereinafter the "Depo-Provera Actions") and an efficient and organized process for evaluating Plaintiffs' threshold proof of product use and injury documentation is necessary and essential for this Court's effective management of the Depo-Provera Actions;

IT IS HEREBY ORDERED all filed Plaintiffs must complete the "Plaintiff Proof of Use/Injury Questionnaire" and provide initial documentary proof of use for each named Defendants' product, and initial documentary proof of their alleged meningioma injury. This Order governs the process for obtaining and producing this

information in all actions properly filed in or transferred to this Court as part of the Depo-Provera Actions as detailed below and as specified in the exhibits incorporated herein by reference.

A. General Provisions

1. The term "Plaintiff Proof of Use/Injury Questionnaire" (the "Plaintiff Questionnaire") refers to both the questions and document production requirements as shown on the attached form. *See* **Exhibit A**.

2. The Plaintiff Questionnaire will be available for online completion and submission through MDL Centrality in every Plaintiff's portal.

3. Plaintiffs and their counsel are reminded, though, that except in specified circumstances (*see* **Exhibit B**), the Plaintiff named in the Plaintiff Questionnaire, as the medication user, must be the one to sign the Plaintiff Questionnaire electronically.

4. Any Plaintiff's answers to the Plaintiff's Questionnaire will be made under penalty of perjury and will be treated as interrogatory responses pursuant to Rule 30 of the Rules of Civil Procedure for the Superior Court of the State of Delaware ("Rules").

B. Threshold Documentation Requirements

1. **Proof of Use.** Each Plaintiff's proof of use documentation must include the following:

a. The Plaintiff's name;

b. The date of the action recorded in the document (such as date prescribed, date dispensed, etc.);

c. The name of a Requisite Product;[1] and

d. That the Requisite Product was administered to the Plaintiff (i.e., that it was prescribed, sold, dispensed, cost reimbursed or covered by insurance, or other action sufficient to indicate the use or dispensation of the Requisite Product to or by the Plaintiff).

2. Plaintiffs may upload no more than five (5) pages of documentation in support of Proof of Use for each Requisite Product administered, and they must "bookmark" in each PDF set the page(s) that they rely on as proof of using the Requisite Product(s). Exhibit B, attached, includes a list of acceptable types of Proof of Use documentation.[2]

3. **Proof of Injury.** Each Plaintiff's proof of injury documentation must include the following:

a. The Plaintiff's name;

b. The Requisite Physical Injury[3] diagnosed;

[1] The Requisite Product must be one of the following: Depo Provera, Depo-Provera, DPCI, Depo Provera IM, DMPA, Depot medroxyprogesterone acetate, Medroxyprogesterone Acetate, MPA, IM MPA, Depo-SubQ Provera 104, Greenstone Medroxyprogesterone, Greenstone MPA, Prasco Medroxyprogesterone, and/or Prasco MPA.

[2] Plaintiffs should note that several categories of documentation must have been created at or near the time of the events recorded in the document. There are limited categories of documents meetings the threshold documentation requirements after-the-fact (e.g., a sworn declaration by a healthcare provider).

[3] The Requisite Physical Injury must be one of the following: Meningioma, Intracranial

c. That a diagnosis of the Requisite Injury was made for the Plaintiff; and

d. The date of diagnosis.

4. As with Proof of Use, Plaintiffs may upload no more than five pages of documentation in support of Proof of Injury and must "bookmark" in each PDF set the page(s) they rely on to show diagnosis(es).[4] Exhibit B includes a list of acceptable types diagnosis documentation and which of those must have been created at or near the time of the events recorded in the document.

C. Use of BrownGreer MDL Centrality

1. The Parties shall use the online BrownGreer MDL Centrality System, as designed and provided by BrownGreer PLC, to complete and serve the materials subject to this Order.

2. Plaintiffs must use the online BrownGreer MDL Centrality system to upload and submit the Plaintiff Questionnaire and threshold documentation. Preliminarily, the Court notes that because the Plaintiff Questionnaire is hosted online

meningioma, Intercranial meningioma, Cranial meningioma, Brain meningioma, Meninges tumor, Arachnoid tumor (but not arachnoid cyst), Convexity meningioma, Falcine meningioma, Parasagittal meningioma, Intraventricular meningioma, Skull base meningioma, Sphenoid wing meningioma, Olfactory groove meningioma, Posterior fossa/petrous meningioma, Suprasellar meningioma, Recurrent meningioma, Foramen magnum meningioma, Meningothelial meningioma, Fibrous meningioma, Psammomatous meningioma, Angiomatous meningioma, and/or Secretory meningioma.

[4] If a Plaintiff used more than one Requisite Product or received more than one type of injury diagnosis, she may upload up to five pages in support of each Product used or diagnosis made.

and includes mandatory fields for Plaintiffs to answer,[5] the universe of potential deficiencies should be quite limited.

D. Deadlines for Submission of the Plaintiff Questionnaire and Documentation:

1. For all Depo-Provera Actions filed in or transferred to this Court on or before the date of this Order, the Plaintiff Questionnaire shall be due **120 days** from the entry of this Order.

2. For all Depo-Provera Actions filed in or transferred to this Court after the date of this Order, the Plaintiff Questionnaire shall be due **120 days** from the date the case was filed in or transferred to this Court.

3. Extensions of Time: The above-referenced deadlines may only be extended by: (a) the Court upon a showing of good cause or (b) agreement of the parties with leave of Court.[6]

E. Initial Review and Deficiency Cure Period

1. BrownGreer will review the completed questionnaires and threshold documentation for deficiencies as outlined in the protocol attached as Exhibit B, which allows Plaintiffs an opportunity to cure any deficiencies that BrownGreer

[5] Any Plaintiff seeking a hard copy Use/Injury Questionnaire must contact BrownGreer to obtain one on a special basis.

[6] The process outlined in this Order applies only to the Questionnaires and threshold documentation provided by Plaintiffs pursuant to this Order.

identifies.[7]

2. After that review and cure period, BrownGreer will inform the Court of any Plaintiff who has failed to cure a deficiency in a questionnaire or the threshold documentation submitted.

F. Dismissals Based on Deficiencies

1. If a Plaintiff fails to cure a deficiency, as identified by Brown Greer and no Deficiency Exception is met,[8] BrownGreer will submit the matter to the Court. The Court may issue an Order to Show Cause, on the individual docket, with deadlines for the individual Plaintiff's response and any additional briefing by the defense, as well as page limits for the brief(s). If necessary, a hearing will be conducted and if, after any hearing, the Court concludes that Plaintiff has failed to comply with this Order, the action may be dismissed without prejudice for a willful failure to comply with orders and deadlines of the Court ("Initial Dismissal").

2. The Initial Dismissal is without prejudice and leave to refile the Complaint within 30 days, but in to in order to refile:

a. Plaintiff's Counsel must certify Plaintiff has completed the Plaintiff Questionnaire and possesses the threshold documentation for both Proof of Use and Proof of Injury, as defined above;[9] and

[7] A more detailed overview of the standard procedure for analysis of the deficiencies in Questionnaires and threshold documentation can be found in the Case Information section on the home page of the MDL Centrality Depo-Provera portal available at www.mdlcentrality.com.

[8] *See infra* Part G.

[9] Counsel's certification must be in the form of an Affidavit submitted as an exhibit to the Re-filed

b. The Plaintiff Questionnaire and threshold documentation for both Proof of Use and Proof of Injury, as defined above, must be uploaded to the MDL Centrality no later than five (5) days after refiling the Complaint.

c. To the extent the refiled Complaint or Counsel fail to meet the requirements set forth in penultimate paragraphs (a) and (b), the Prothonotary and/or BrownGreer shall inform the undersigned judge.

G. Deficiency Exceptions

1. The Court recognizes that some number of Plaintiffs, despite diligent efforts, may be unsuccessful in obtaining threshold documentation because their alleged use of the product, which has been on the market for decades, occurred many years ago.

2. Accordingly, if a Plaintiff cannot provide Threshold Proof of Use documentation in the manner required by this Order, but the Plaintiff satisfies the below criteria, then for present purposes only, the Plaintiff will qualify for a "Deficiency Exception" and the Court will not issue an Order to Show Cause as to that Plaintiff to cure the deficiency as noted in Section F.

3. A Plaintiff qualifies for a Deficiency Exception under this Order if the Plaintiff cannot provide the Threshold Proof of Use documentation required under this Order but does provide to BrownGreer, within the time period to cure a

Complaint.

deficiency in the Plaintiff's Threshold Proof of Use, a Declaration signed by the Plaintiff under penalty of perjury that:

a. Affirms that the Plaintiff's sole alleged use of Depo-Provera was before June 2005;

b. Identifies all healthcare providers, pharmacies, or other entities that provided and/or administered Depo-Provera to the Plaintiff;

c. Affirms that Plaintiff has requested records from each person or entity identified in Paragraph B1, seeking proof of her alleged use of Depo-Provera;

d. Affirms that all of those persons or entities have responded that no records concerning the Plaintiff exist for the time period that Plaintiff alleges Depo-Provera use (as opposed to providing records that do not show the use of Depo-Provera), or that the Plaintiff has reliable proof that the person or entity no longer exists or cannot be located (for example, a return-to-sender response to Plaintiff's request); and

e. Attaches the requests and responses sent and received.

4. BrownGreer will make an initial determination whether a Plaintiff has satisfied the below criteria and will consult with the Parties to ensure they agree with such determination.

5. BrownGreer will track the number of Plaintiffs who qualify for a Deficiency Exception.

H. Further Proceedings and Discovery

1. The Court is not determining at this time whether records provided

pursuant to this Order will ultimately constitute adequate proof of use or injury for purposes of this litigation, and Defendants have the right to argue at a later stage of this litigation that the Declaration and documents the Plaintiff provides in order to qualify for the Deficiency Exception are not sufficient for purposes of avoiding summary judgment or otherwise.

2. Other than as set forth in this Order, there will be no discovery of any Plaintiff until further order of the Court. All Plaintiffs, however, must preserve all relevant evidence in their possession, custody, or control, as required by law and this Order.

SO ORDERED this 18th day of November 2025.

/s/ *Kathleen M. Vavala*
The Honorable Kathleen M. Vavala