

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

IN RE: VALSARTAN, LOSARTAN, AND  
IRBESARTAN PRODUCTS LIABILITY  
LITIGATION

Civil No. 19-2875 (RBK/JS)

This Document Relates to:

*All Actions*

**STIPULATED ORDER REGARDING ESI SEARCH TERMS  
PERTAINING TO THE TEVA DEFENDANTS**

**THIS MATTER HAVING COME** before the Court on the Manufacturer Defendants’ Motion to Modify the ESI Search Terms (Dkt. 445); and

**THIS COURT HAVING CONSIDERED** the parties’ submissions in support of and in opposition to said Motion, as well as the argument and representations of counsel made during the telephonic status conference on June 17, 2020,

**IT IS HEREBY ORDERED** as follows:

1) Given that an agreement has been reached between Plaintiffs and the Teva Defendants to resolve these parties’ current dispute concerning ESI search terms as set forth in the pending Motion and related briefing, the Manufacturer Defendants’ Motion to Modify the ESI Search Terms is **DENIED AS MOOT** with respect to Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., Actavis LLC, Actavis Pharma, Inc., and Arrow Pharm (Malta) Ltd. (collectively, the “Teva Defendants”);


2) For purposes of adopting and formalizing the agreement reached between Plaintiffs and the Teva Defendants, the Court **FURTHER ORDERS** as follows:

a. Exhibit H to the December 23, 2019 Order (Dkt. 328 at 29-57) is hereby revised, supplemented and superseded as to the Teva Defendants per the modifications set forth in Exhibit H-1 to this Stipulated Order;

b. Plaintiffs and the Teva Defendants will continue good faith discussions regarding potential additional reasonable and proportional adjustments to the search terms as such needs are identified during the search, processing, review and/or production of the custodial documents, and the parties are permitted to apply any additional agreed-to modifications to these search terms without further order of the Court;

c. The parties will proceed in accordance with the ESI Protocol (Dkt. 125), as well as their representations and the Court's instructions made during the June 17, 2020 status conference, to resolve any future issues regarding the search terms through the meet and confer process that might arise during the processing, review, and production of the Teva Defendants' ESI.

**SO ORDERED**, this the 24<sup>th</sup> day of June 2020.

  
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JOEL SCHNEIDER  
United States Magistrate Judge

# **EXHIBIT H-1**

Except as modified below or otherwise agreed to the by the parties, search terms to be run in accordance with the terms and protocol entered by the Court on December 23, 2019 (Doc. 328).

<b><u>Standalone</u></b>	
<b><u>Original Term</u></b>	<b><u>Agreed Modification</u></b>
(*11025* or *18253* or *202223* or *203311* or *203820* or *20473* or *205347* or *20939* or *23491* or *24544* or *24873* or *29392* or *77530* or *78030* or *90483* or *90642* or *90866* or *91235*)	*200435* OR *091519* OR 77530 OR 077530 OR (77530 W/2 ANDA) OR anda077530 OR anda77530 OR anda_077530_ndma OR sanda077530 OR 90642 OR 090642 OR (90642 W/2 ANDA) OR anda090642 OR anda90642 OR anda_090642_ndma OR sanda090642 OR 91235 OR 091235 OR (91235 W/2 ANDA) OR anda091235 OR anda91235 OR anda_091235_ndma OR sanda091235
EIR or "establishment inspection report"	Move to Regulatory
OAI or "official action indicated"	Move to Regulatory
"voluntary action indicated"	Move to Regulatory
*diethylamine or "*diethyl amine"	Move to QA Testing
*dimethylformamide or DMF	Move "DMF" to QA Testing
(Form483) or (Form /3 483) or (483 /3 letter) or (483 /3 warn*) or (704 pre/3 b)	Move to Regulatory
carcin*	Move to Medical Conditions
FDA /10 warning	Delete Term
genotoxic*	Move to Regulatory
<b><u>Authors or Inspectors</u></b>	
<b><u>Original Term</u></b>	<b><u>Agreed Modification</u></b>
Barreto	(Barreto NOT W/2 Dan*)
<b><u>Regulatory</u></b>	
<b><u>Original Term</u></b>	<b><u>Agreed Modification</u></b>
("adverse event*" or AER) and (<drug name> or <solvents> or <facility names>)	Move to Medical Conditions
alert*	alert* /5 safe*
CFR or eCFR or "code of federal regulations" or USC or "United States Code" or "Title 21"	Run term as "W/500" rather than "AND"
inadequat*	Delete Term
inspect*	Run term as "W/500" rather than "AND" Run term as inspection* OR inspector* instead of inspect*
investigat*	Run term as "W/500" rather than "AND" Run term as investigation* OR investigator* instead of investigat*
major /3 change	Delete Term
(master /3 file) and (<drug name> or <solvents>)	Delete Term

minor /3 change	Delete Term
moderate /3 change	Delete Term
Monthly /3 update	Delete Term
observation*	Run term as “W/500” rather than “AND”
OOS or "out of spec*" or "out-of-spec*"	Run term as “W/500” rather than “AND”
OOT or "out-of-trend" or "out of trend"	Run term as “W/500” rather than “AND”
PADER* and (<drug name> or <solvents> or <facility names>)	Do not run against “OR <regulatory modifiers>”
violat*	Run term as “W/500” rather than “AND”
warn*	Run term as “W/500” rather than “AND”
<b><u>cGMP</u></b>	
<b><u>Original Term</u></b>	<b><u>Agreed Modification</u></b>
"cover up*" or coverup* or "cover-up*"	("cover* up" or coverup or "cover-up" or "cover* ups" or coverups or "cover-ups")
delet* or destroy* or remov* or trash* or shred*	Run term as “W/500” rather than “AND” Modified to remove email footer language per agreement of the parties
<Term> AND (<Drug Name> OR (<Solvents> AND NOT <other drug names>)) OR <regulatory modifiers> OR <inspect> OR <manufacturing modifiers> OR <medical modifiers> OR <facility names>)	<Term> AND (<Drug Name> OR (<Solvents> AND NOT <other drug names>)) OR <regulatory modifiers> OR <inspect> OR <manufacturing modifiers> OR <facility names>)
<b><u>QA Testing</u></b>	
<b><u>Original Term</u></b>	<b><u>Agreed Modification</u></b>
aberran*	Run term as “W/200” rather than “AND”
contami*	Run term as “W/500” rather than “AND”
detect*	Run term as “W/500” rather than “AND”
fail*	Run term as “W/500” rather than “AND”
problem*	Run term as “W/200” rather than “AND”
puri*	Run term as “W/200” rather than “AND”
recall*	Run term as “W/200” rather than “AND”
risk*	Run term as “W/200” rather than “AND”
toxic*	Run term as “W/200” rather than “AND”
validat*	Run term as “W/200” rather than “AND”
<b><u>Manufacturing</u></b>	
<b><u>Original Term</u></b>	<b><u>Agreed Modification</u></b>
"PROCESS I" or "PROCESS II"	Do not run against the following Solvent terms: <ul style="list-style-type: none"> <li>• acid*</li> <li>• amlodipine*</li> <li>• aqueous*</li> <li>• HCT</li> </ul>

	<ul style="list-style-type: none"> <li>• HCTZ</li> <li>• Hydrochlor*</li> </ul>
assessment*	Run term as “W/200” rather than “AND”
batch /5 records (certificate or COA)	batch /3 records
discrepanc*	Run term as “W/300” rather than “AND”
expir*	Run term as “W/500” rather than “AND”
quench*	Run term as “W/500” rather than “AND”
reagent*	Run term as “W/500” rather than “AND”
reclaim*	Run term as “W/500” rather than “AND”
recover*	Run term as “W/500” rather than “AND”
recyclcl*	Run term as “W/500” rather than “AND”
resal*	Run term as “W/500” rather than “AND”
resell*	Run term as “W/500” rather than “AND”
reuse*	Run term as “W/500” rather than “AND”
suppress*	Run term as “W/500” rather than “AND”
yield*	Run term as “W/500” rather than “AND”
error*	Run term as “W/500” rather than “AND” Modified to remove email footer language per agreement of the parties
temperature	Delete Term
<b>Medical Conditions</b>	
<u>Original Term</u>	<u>Agreed Modification</u>
blood*	Delete Term
death* or dead or fatal	death or deaths or dead or deadly or fatal
<b>Entities</b>	
<u>Original Term</u>	<u>Agreed Modification</u>
Ivax	Delete Term
distribut*	Delete Term
<b>Drug Names</b>	
<u>Original Term</u>	<u>Agreed Modification</u>
amlodipine*	Move to Solvents
HCT or HCTZ	Move to Solvents
detect*	Run term as “W/500” rather than “AND”
<b>Solvents</b>	
<u>Original Term</u>	<u>Agreed Modification</u>
*azide*	Index results and run as “OR” term without open-ended wildcard
*formaldehyde*	Index results and run as “OR” term without open-ended wildcard
acid*	Delete Term
<b>Regulatory Modifiers</b>	
<u>Original Term</u>	<u>Agreed Modification</u>

"Abbreviated New Drug Application" or ANDA	Do not run against cGMP
CDC or "Centers for Disease Control"	Do not run against cGMP
DEA or "Drug Enforcement Administration" or "Drug Enforcement Agency"	Do not run against cGMP
"Environmental Protection Agency" or EPA or USEPA or "US-EPA" or "1200 Pennsylvania Avenue"	Do not run against cGMP
NIH or "National Institutes of Health"	Do not run against cGMP
<b><u>Manufacturing Modifiers</u></b>	
<u>Original Term</u>	<u>Agreed Modification</u>
test*	<p>Run term as "W/50" rather than "AND" with the following other terms:</p> <ul style="list-style-type: none"> <li>• quality</li> <li>• validat*</li> <li>• impurit*</li> <li>• risk*</li> </ul> <p>Run term as "W/200" rather than "AND" with the following other terms:</p> <ul style="list-style-type: none"> <li>• remov*</li> <li>• fail*</li> <li>• detect*</li> <li>• residu*</li> <li>• suitab*</li> <li>• puri*</li> <li>• problem*</li> <li>• recall*</li> <li>• complain*</li> <li>• GMP*</li> <li>• unknown*</li> <li>• peak*</li> <li>• observation*</li> <li>• contami*</li> <li>• Chromato*</li> </ul>
<b><u>Medical Conditions Modifiers</u></b>	
<u>Original Term</u>	<u>Agreed Modification</u>
blood*	Delete Term
<b><u>Facility Names</u></b>	
<u>Identified Facility Name</u>	<u>Agreed Modification</u>
Actavis	Delete Term
*[FEI NUMBERS FOR FACILITIES]*	Index results and run as "OR" term without open-ended wildcard
Ha-Marpe	Ha-Marpe OR HaMarpe
Jerusalem	
JLM	



JLM OSD	
JE1	
Kiryat HaMada	
Malta	
Hal far	
Arrow	
Birzebbugia	Variations to be tested
<b><u>Specific Search String Modifications</u></b>	
<u>Original String</u>	<u>Agreed Modification</u>
quality AND ((backup W/3 data) OR (impurit* AND degradant*) OR recall* OR residu* OR solvent* OR spike* OR test* OR (unknown W/3 peak) OR (unknown W/3 spike) OR (unknown W/3 impurit*) OR (unknown W/3 contamin*))	Run string as “W/200” rather than “AND”
validat* AND ((backup W/3 data) OR (impurit* AND degradant*) OR recall* OR residu* OR solvent* OR spike* OR test* OR (unknown W/3 peak) OR (unknown W/3 spike) OR (unknown W/3 impurit*) OR (unknown W/3 contamin*))	Run string as “W/200” rather than “AND”
risk* AND ((backup W/3 data) OR (impurit* AND degradant*) OR recall* OR residu* OR solvent* OR spike* OR test* OR (unknown W/3 peak) OR (unknown W/3 spike) OR (unknown W/3 impurit*) OR (unknown W/3 contamin*))	Run string as “W/200” rather than “AND”
(degradant* OR impurit*) AND ((backup W/3 data) OR (impurit* AND degradant*) OR recall* OR residu* OR solvent* OR spike* OR test* OR (unknown W/3 peak) OR (unknown W/3 spike) OR (unknown W/3 impurit*) OR (unknown W/3 contamin*))	(degradant*) AND ((backup W/3 data) OR (impurit* AND degradant*) OR recall* OR residu* OR solvent* OR spike* OR test* OR (unknown W/3 peak) OR (unknown W/3 spike) OR (unknown W/3 impurit*) OR (unknown W/3 contamin*)) (impurit*) W/250 ((backup W/3 data) OR (impurit* AND degradant*) OR recall* OR residu* OR solvent* OR spike* OR test* OR (unknown W/3 peak) OR (unknown W/3 spike) OR (unknown W/3 impurit*) OR (unknown W/3 contamin*))
(remov* OR trash* OR shred*) AND (Agency OR inspect* OR regulat*)	(remov* OR trash* OR shred*) AND (inspector* OR inspection* OR regulator*)
validat* AND ((backup W/3 data) OR (impurit* AND degradant*) OR recall* OR residu* OR solvent* OR spike* OR test* OR (unknown W/3 peak) OR (unknown W/3	Run string as “W/250” rather than “AND”

spike) OR (unknown W/3 impurit*) OR (unknown W/3 contamin*)	
complain* AND ((backup W/3 data) OR (impurit* AND degradant*) OR recall* OR residu* OR solvent* OR spike* OR test* OR (unknown W/3 peak) OR (unknown W/3 spike) OR (unknown W/3 impurit*) OR (unknown W/3 contamin*))	Run string as “W/250” rather than “AND”
residu* AND ((backup W/3 data) OR (impurit* AND degradant*) OR recall* OR solvent* OR spike* OR test* OR (unknown W/3 peak) OR (unknown W/3 spike) OR (unknown W/3 impurit*) OR (unknown W/3 contamin*))	Run string as “W/250” rather than “AND”
risk* AND ((backup W/3 data) OR (impurit* AND degradant*) OR recall* OR residu* OR solvent* OR spike* OR test* OR (unknown W/3 peak) OR (unknown W/3 spike) OR (unknown W/3 impurit*) OR (unknown W/3 contamin*))	Run string as “W/250” rather than “AND”
fail* AND ((backup W/3 data) OR (impurit* AND degradant*) OR recall* OR residu* OR solvent* OR spike* OR test* OR (unknown W/3 peak) OR (unknown W/3 spike) OR (unknown W/3 impurit*) OR (unknown W/3 contamin*))	Run string as “W/250” rather than “AND”
problem* AND ((backup W/3 data) OR (impurit* AND degradant*) OR recall* OR residu* OR solvent* OR spike* OR test* OR (unknown W/3 peak) OR (unknown W/3 spike) OR (unknown W/3 impurit*) OR (unknown W/3 contamin*))	Run string as “W/250” rather than “AND”