

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

IN RE: VALSARTAN N-
NITROSODIMETHYLAMINE (NDMA),
LOSARTAN, AND IRBESARTAN
PRODUCTS LIABILITY LITIGATION

Civil No. 19-2875 (RBK/JS)

ORDER

The Court having conducted oral argument by telephone on July 6, 2020 on the "macro" discovery disputes involving plaintiffs and the Wholesaler and Retailer/Pharmacy groups of defendants; and the parties' disputes relating to plaintiffs' proposed Requests for Production of Documents attached as Exhibit B and C to plaintiffs' April 13, 2020 Letter Brief [Doc. No. 413]; and this Order intending to confirm the Court's rulings set forth in its Oral Opinion read into the record after the completion of oral argument; and for all the reasons set forth by the Court in its Oral Opinion,

IT IS HEREBY ORDERED this 7th day of July 2020, as follows:

1. The Wholesalers' objections to plaintiffs' requests for "tracing" discovery set forth in Requests for Production 1 and 3 (Exhibit C) are OVERRULED.
2. Plaintiffs' request that the Wholesalers respond to Requests for Production 2 and 4 (Exhibit C) addressing

"price and profit" discovery is DENIED WITHOUT PREJUDICE.

The Court exercises its discretion to decline to decide at this time if the requested discovery is relevant pursuant to FED. R. CIV. P. 26(b)(1) and, if it is, the scope of responsive discovery to be produced. The Court defers its decision on this discovery dispute until after the defendants' motions to dismiss are decided or an earlier time for good cause shown.

3. Plaintiffs' request that the Retailer/Pharmacy defendants respond to plaintiffs' requests for "profit" discovery is DENIED WITHOUT PREJUDICE for the same reasons set forth in paragraph 2 herein.
4. By July 9, 2020, the parties shall serve the Court with the final version of the Court-Approved Requests for Production to be answered by the Wholesaler and Retailer/Pharmacy defendants. These defendants are on notice that full and complete answers and responses to plaintiffs' document requests, including production of all responsive documents and ESI, as well as the identification of Bates numbers responsive to each request, shall be served thirty (30) days after entry of the Court Order approving plaintiffs' requests. All objections to the Court-Approved Requests for Production are barred.

5. Similar to the Order entered in In re Androgel Antitrust Lit. (II), No. 09-MD-2084, 2012 WL 12895205 (N.D. Ga. Mar. 29, 2012), defendants shall include with their answers a written description of all data and data fields produced. Defendants shall also undertake reasonable efforts to address plaintiffs' reasonable questions concerning defendants' answers; and it is further

ORDERED all other Fact Sheets and Requests for Production to be served shall be finalized and submitted to the Court no later than July 28, 2020 to be addressed during the scheduled July 29, 2020 monthly status call; and it is further

ORDERED the scheduled July 9, 2020 (4:00 p.m.) conference call is POSTPONED. The July 15, 2020 conference call (4:00 p.m.) will proceed as scheduled.

s/ Joel Schneider
JOEL SCHNEIDER
United States Magistrate Judge