UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

IN RE: PROTON-PUMP INHIBITOR PRODUCTS LIABILITY LITIGATION

2:17-MD-2789 (CCC)(MF) (MDL 2789) and all member and related cases

This Document Relates to:

Judge Claire C. Cecchi

All Actions

CASE MANAGEMENT ORDER NO. 74 (Wave Order #1)

As of March 29, 2022, there are approximately 13,500 cases pending in this MDL proceeding, *In re: Proton Pump Inhibitor Products Liability Litigation*, and one group of bellwether cases has undergone discovery and a second bellwether group has been selected for case-specific discovery. The Court finds that case-specific discovery of additional cases is necessary to promote the just and efficient conduct of this litigation. Accordingly, the Court is hereby ordering the parties to work up cases simultaneously in waves. This order includes the first two hundred cases that will be worked up, and subsequent orders will be entered each quarter.

I. Selection of Wave One Cases

Wave One shall consist of the 200 cases identified on Exhibit A hereto.¹

¹ Cases in subsequent waves may be selected from other groups of cases.

These 200 cases were randomly selected from the group of cases that (a) were identified as Eligible Round 2 Cases pursuant to Paragraph I of Case Management Order ("CMO") No. 54 and (b) were not on the final list of 24 cases selected pursuant to Paragraph II.A.3 of CMO No. 54.

II. Case-Specific Fact Discovery for Wave One Cases

A. Between June 1, 2022 and December 31, 2022, case-specific fact discovery of the Wave One Cases shall take place.

- B. The following limitations shall apply to case-specific fact discovery:
 - 1. Each Defendant² is limited to 10 interrogatories, 10 requests for production of documents and 10 requests for admission per case.
 - 2. Plaintiffs are limited to 10 interrogatories, 10 requests for production of documents (including requests to produce sales representative custodial files) and 10 requests for admission to each Defendant.
 - In each individual case, each side will be entitled to take five(5) fact witness discovery depositions, which is inclusive of

2

² For the purposes of these discovery limitations, each defendant and its related entities will be treated as one defendant. For example, Takeda Pharmaceuticals U.S.A., Inc. (TPUSA) and Takeda Pharmaceuticals America (TPA), Inc. are related entities and treated as one defendant for purposes of these discovery limitations. Similarly, if more than one plaintiff is named (*e.g.* an individual and their spouse), plaintiffs are treated as one entity for purposes of these discovery limitations.

plaintiff, treating and prescribing physicians, and sales representatives.³

- 4. The deposition of any fact witness is limited to 3 hours absent agreement of the parties.
- C. Special Master Reisman will consider modifications to the above limitations only upon good cause shown and only if resolution cannot be reached after the parties meet and confer.
- D. The following deadlines shall apply for fact discovery for the Wave One Cases:

Deadline to serve written discovery requests

Deadline to respond to written discovery

Deposition deadline and close of fact discovery

December 31, 2022

III. Expert Discovery for Wave One Cases

- A. Between January 1, 2023 and June 30, 2023, expert discovery for the Wave One Cases shall take place.
- B. Each expert witness disclosure shall include at least two dates when each expert is available for a deposition. Depositions can only commence after both sides' expert reports have been served.

³ To the extent disputes arise regarding the division of time between the parties for the deposition of treating physicians (three hours total absent agreement), such disputes should be referred to Special Master Reisman for decision.

- C. Depositions of Plaintiffs' experts will be completed before depositions of Defendants' experts in the same discipline, absent agreement of the parties or permission from the Special Master.
- D. The parties shall be required to coordinate the depositions of experts when they are utilized across multiple Wave One Cases.
 - E. The following limitations shall apply to expert discovery:
 - 1. Plaintiffs and each defendant are limited to no more than five experts per case (exclusive of treating physicians).
 - 2. The deposition of any expert witness is limited to 7 hours absent agreement of the parties.
- F. Special Master Reisman will consider modifications to the above limitations only upon good cause shown and only if resolution cannot be reached after the parties meet and confer.
- G. The following deadlines shall apply for expert discovery for the Wave One Cases:

Plaintiffs' Expert Disclosures	February 1, 2023
Defendants' Expert Disclosures	March 3, 2023
Plaintiffs' expert witness rebuttal reports	March 31, 2023
Deposition deadline and close of expert discovery	June 30, 2023

IV. Depositions for Wave One Cases

A. The depositions of all Wave One Cases shall be taken in accordance with the terms set forth in CMO Nos. 40 and 45, subject to the following change:

- 1. Plaintiffs shall have priority in questioning prescribers, treaters, and other health care professionals in the Wave One Cases designated by an odd number on Exhibit A.
- Defendants shall have priority in questioning prescribers, treaters, and other health care professionals in the Wave One Cases designated by an even number on Exhibit A.
- B. Special Master Reisman will consider modifications in individual cases only upon good cause shown and only if resolution cannot be reached after the parties meet and confer.

V. Motions for Wave One Cases

A. The following deadlines shall apply for summary judgment and *Daubert* briefing:

Filing of <i>Daubert</i> motions	August 31, 2023
Filing dispositive motions	September 14, 2023
Responses to <i>Daubert</i> motions	September 28, 2023
Responses to dispositive motions	October 12, 2023
Replies to Daubert motions	October 26, 2023
Replies to dispositive motions	November 9, 2023

- B. If the Court determines that a hearing or oral argument on summary judgment and/or *Daubert* motions, or limited/certain parts thereof, is necessary, such a hearing may be scheduled by the Court for a date to be determined by the Court.
- C. If discovery reveals facts that could a support a motion that would be dispositive of the *entirety* of a plaintiff's claims against *all* named defendants, either side may seek permission from Special Master Ellen Reisman in the individual case to file an early dispositive motion on that issue. If such leave is granted in an individual case, Special Master Reisman shall set a briefing schedule at that time.

VI. Cases Ready for Transfer or Remand

- A. Venue recommendations. By no later than November 17, 2023, the parties to each Wave One Case shall meet and confer concerning the appropriate venue for each cases, and the parties shall submit joint venue recommendations to Special Master Reisman by November 30, 2023. The parties' joint recommendations shall identify the cases about which the recommended venue is in dispute. Special Master Reisman may then request briefing concerning those Wave One Cases about which the parties disagree. Each party reserves the right to object to the venue selected by another party or the Court.
- B. Upon completion of discovery and motions practice, the Wave One
 Cases where venue in the United States District Court for the District of New
 Jersey is not determined to be proper by the Court shall be transferred to a federal

district court of proper venue pursuant to 28 U.S.C. §1404(a) (if directly-filed in

this MDL), or remanded to the federal district court from which such case was

initially transferred pursuant to 28 U.S.C. §1407. The trial date for such cases

transferred or remanded to other federal district courts shall be set by the judge to

whom the transferred or remanded case is assigned.

C. Upon completion of discovery and motions practice, for any Wave

One Case where venue in the United States District Court for the District of New

Jersey is determined to be proper by the Court, the court will set a trial date in a

separate order.

SO ORDERED

SIGNED on this 30th day of March, 2022.

ELLEN K. REISMAN

EllenRen

Special Master

7

	Plaintiff Name	Case No.
1	Abbott, Janet	2:19-cv-09763
2	Abbott, Marilee Annette	2:19-cv-09407
3	Adams, Judy	2:18-cv-03523
4	Alessandro, Marcia A.	2:18-cv-13419
5	Alexander, Ronnie	2:18-cv-14831
6	Anderson, Dan D	2:20-cv-06442
7	Armstrong, Fred B	2:20-cv-00916
8	Ayers, Barry	2:20-cv-07945
9	Bablitz, Mark	2:20-cv-07305
10	Bales, Kevin	2:18-cv-05379
11	Ballard, Johnnie Mae	2:18-cv-16958
12	Barber, Jerome A.	2:18-cv-03379
13	Barker, Carol M	2:19-cv-13776
14	Bass, Margaret	2:18-cv-14565
15	Baum, Barbara L	2:19-cv-10514
16	Beaty, Gladys	2:18-cv-17774
17	Bell, Robert A	2:19-cv-00216
18	Benton, Duane Lee	2:19-cv-17671
19	Bernal, Soledad	2:18-cv-01758
20	Blamer, Mary Wilmeth	2:19-cv-01553
21	Bonner, Annie Nell	2:20-cv-04521
22	Boutin, Rose	2:18-cv-03965
23	Brazle, Glenda	2:18-cv-08239
24	Brown, Linda	2:18-cv-16713
25	Brown, Sandra Ann	2:20-cv-02229
26	Brown, Tony B	2:20-cv-03516
27	Burnside, Jack	2:18-cv-05769
28	Burrell, Ronald C	2:19-cv-09827
29	Burris, Troy	2:18-cv-11555
30	Burton, Ninette	2:18-cv-17010
	Campbell, Wilma	2:19-cv-16451
	Carroll, Jacqueline	2:18-cv-02592
	Carter, Erma	2:18-cv-09372
	Cartrett, Johnny D	2:20-cv-14128
	Chistakoff, Patricia	2:18-cv-05229
	Clark, Brian	2:18-cv-03538
	Clark, James	2:18-cv-10983
	Coffy, Michael	2:19-cv-20422
	Coleman, Irma	2:17-cv-06000
	Collins, Blaine E	2:19-cv-14126
	Cooper, Victoria	2:19-cv-20426
	Cox, Albert E., Jr.	2:18-cv-03498
	Craig, Marcell DeCarlo	2:19-cv-04362
	Crites, Ronald	2:18-cv-04427
	Crouch, Beverly A.	2:18-cv-01616
46	Cutshaw, Wanda	2:18-cv-01785

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	Davis, Billy	2:19-CV-02775
	Davis, Danny	2:17-cv-05801
-	Davis, George, Jr.	2:18-cv-14022
50	Degrafenreid, Carolyn	2:19-cv-14813
51	DesRosiers, Mandy Kay	2:19-cv-10346
52	Diamond, Emma	2:18-cv-03542
53	Diequez, Randee Michael	2:19-cv-21272
54	Doca, Carin	2:20-cv-03973
55	Donaldson, Debra	2:18-cv-17756
56	Edom, Dennis	2:19-cv-02874
57	Edwards, Keisha	2:18-cv-16747
	Edwards-Clemment, Catherine A	2:18-cv-08394
	England, Sherri	2:19-cv-16310
	Evans-Thomas, Johnetta	2:18-cv-11114
-	Ewing, Janet M.	2:19-cv-15849
-	Farmer, Gregory	2:18-cv-07873
-	Fidler, Lynnette	2:18 cv 07073 2:18-cv-05419
	Findley, Craig Ora	2:19-cv-21516
	Foister, Nella Ann	2:18-cv-14540
	Ford, Jim Harry, Jr.	2:19-cv-11036
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	Ford, Paula Sue	2:19-cv-13657
	Fowler-Johnson, Kim	2:19-cv-22132
	Frank, Russell	2:19-cv-12690
	Friend, Starlyn	2:18-cv-17011
	Fuller, Everleaner	2:17-cv-03455
-	Gable, Stephen	2:18-cv-01878
	Gilbert Brenda Baker	2:20-cv-06162
-	Gleason, Della R.	2:19-cv-13244
-	Greene, Gloria	2:18-cv-14936
-	Greene, William H	2:20-cv-03555
77	Greer, Perry Lee, Jr.	2:18-cv-15445
78	Gunter, Mary Lee	2:18-cv-03544
79	Hale, Rhonda	2:19-cv-11521
80	Hall, Mary	2:19-cv-17617
81	Hall, Trythenia B	2:18-cv-15799
82	Hamilton, Paula	2:19-cv-15657
83	Hammond, Patricia	2:18-cv-09022
	Hannan, Nina	2:18-cv-03674
	Hanneman, Mary	2:19-cv-09820
	Harden, Lynda	2:17-cv-13032
	Harris, Dorothy	2:18-cv-02587
	Hart, Mary B	2:18-cv-14795
	Hart, Thomas	2:18-cv-11950
	Hernandez, Karen L	2:20-cv-02235
	Hinson, Sherry Joann	2:18-cv-02414
	Horn, Jerry Wayne	2:18-cv-03568
93	Hornfeck, Anthony	2:17-cv-05809

95 Hutter, Shirley R 95 Hutter, Shirley R 96 Hutton, Judy 97 Ivey, Jesse 98 Jackson, Susie 99 Jaksa, Jonel 99 Jaksa, Jonel 100 James, Jackie Janiece 101 Jefferson, Doris A 101 Jefferson, Doris A 102 Jenkins, Ronald 103 Johnson, Diana 104 Jolly, Jackie 105 Jones, Mary 106 Jurado, Victoria 107 Keenan, Ira K, Jr 108 Kellogg, Victoria 109 Kenny, Richard Lee 109 Kenny, Richard Lee 110 King, Ronald K 111 Koerner, Karen 112 Kurta, Ronald K 113 Lambrecht, Glenn 114 Lane, Alice 115 Langston, Norma 116 Larrimore, Vickie 117 Lawrence, Cathryn 118 Lawrence, Sarah Marie 119 Lewis, Nanette 110 Livingston, Deborah 111 Livy, Teresa 112 Marthe, Jakender 113 Marchel, Alexander 114 Marquez, Clarissia 115 Martin, Carry 116 Martin, Reginna 117 McFadden, Marginet 118 McFadden, Marginet 119 Martin, Reginna 110 McFadden, Marginet 111 McGraer, Benond 112 Marthe, Alexander 112 Marthe, Alexander 113 McCulla, Ruth 114 Lane, Alice 115 Martin, Carry 116 Martin, Reginna 117 Lawrence, Cathryn 118 McCulla, Ruth 119 Maxwell, John 1218-cv-05575 127 Martinez-Ramos, Cesar 1218 McCurdy, Catherine 1219 McCurdy, Catherine 1319 Miller, Nathan 132 Miller, Nathan 133 McFadden, Margaret L 134 Millier, Nathan 135 Millier, Joycelyn 136 Millier, Joycelyn 137 Miller, Nathan 138 Milligan, Kathy 139 Millor, Barbara 139 Millingr, Barbara 130 Livings Darbara 131 Moroll, Barbara 131 McGrafden 132 Lirc-v-05506 140 Morris, Barbara 131 McGrafden 132 Lirc-v-05806 140 Morris, Barbara 132 Lirc-v-05806 140 Morris, Barbara 134 Lirc-v-05805 140 Morris, Barbara 134 Lirc-v-05805 140 Morris, Barbara	04 Howard Larraina	2:19-cv-08986
96 Hutton, Judy 2:18-cv-08115 97 Ivey, Jesse 2:118-cv-01270 98 Jackson, Susie 2:19-cv-11198 99 Jaksa, Jonel 2:20-cv-02672 100 James, Jackie Janiece 2:19-cv-19808 101 Jefferson, Doris A 2:19-cv-14746 102 Jenkins, Ronald 2:19-cv-1940 103 Johnson, Diana 2:18-cv-15726 104 Jolly, Jackie 2:18-cv-15726 105 Jones, Mary 2:20-cv-02439 106 Jurado, Victoria 2:19-cv-06131 107 Keenan, Ira K, Jr 2:19-cv-06131 107 Keenan, Ira K, Jr 2:19-cv-06319 108 Kellogg, Victoria 2:19-cv-03619 109 Kenny, Richard Lee 2:20-cv-06449 110 King, Ronald K 2:18-cv-05728 111 Koerner, Karen 2:18-cv-05367 112 Kurta, Ronald 2:18-cv-05578 113 Lambrecht, Glenn 2:18-cv-03567 114 Lane, Alice 2:18-cv-03565 117 Lawrence, Cathryn 2:20-cv-08761 118 Lawrence, Cathryn 2:20-cv-08761 119 Lewis, Nanette 2:19-cv-09520 120 Livingston, Deborah 2:19-cv-05639 121 Martine-Cathryn 2:20-cv-08794 122 Madsen, John 2:18-cv-07594 123 Marchel, Alexander 2:18-cv-07594 124 Marquez, Clarissia 2:19-cv-15639 125 Martin, Cary 2:18-cv-00675 126 Martin, Reginna 2:19-cv-06575 127 Martine-Ramos, Cesar 2:18-cv-00797 128 Matteson, Rhonda 2:18-cv-00797 129 Maxwell, John 2:18-cv-00797 130 McCulla, Ruth 2:19-cv-00571 131 McCulla, Ruth 2:19-cv-00571 133 Miller, Joycelyn 2:19-cv-00511 134 Miller, Nethin 2:19-cv-00502 135 Milligan, Kathy 2:17-cv-05808 139 Millor, Elliot 2:18-cv-03206 139 Milligan, Kathy 2:17-cv-05808	94 Howard, Lorraine	
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135 Medlin, Kelli 2:19-cv-10127 136 Miller, Joycelyn 2:19-cv-03128 137 Miller, Nathan 2:17-cv-05926 138 Milligan, Kathy 2:17-cv-05808 139 Minor, Elliot 2:18-cv-05805		
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137 Miller, Nathan 2:17-cv-05926 138 Milligan, Kathy 2:17-cv-05808 139 Minor, Elliot 2:18-cv-05805		
138 Milligan, Kathy 2:17-cv-05808 139 Minor, Elliot 2:18-cv-05805		
139 Minor, Elliot 2:18-cv-05805		
		2:17-cv-05808
140 Morris, Barbara 2:17-cv-09783	139 Minor, Elliot	2:18-cv-05805
	140 Morris, Barbara	2:17-cv-09783

141 Morris, Patricia	2:18-cv-03055
142 Nelson, Bernice E.	2:17-cv-05242
143 Newman, Dennis	2:18-cv-16460
144 Nicholson, Brenda	2:19-cv-18550
145 Orum, William Paul	2:18-cv-00359
146 Osborn, Dan	2:18-cv-17294
147 Owensby, Lorene	2:19-cv-09688
148 Pass, Rhonda	2:19-cv-16535
149 Persiani-Betts, Nancy	2:19-cv-04143
150 Phillips, Vester Kaseem	2:19-cv-18494
151 Presnell, Charles	2:19-cv-11884
152 Ramm, Amanda Jean	2:20-cv-02978
153 Ratliff, Steve	2:20-cv-10049
154 Reinhardt, John	2:19-cv-17992
155 Renfro, Theresa	2:18-cv-06739
156 Renninger, Dorothy J	2:18-cv-00270
157 Richard, Janecka	2:18-cv-15013
158 Riley, Gregory	2:17-cv-06223
159 Riley, Jackie	2:18-cv-00930
160 Rivera, David	2:18-cv-03705
161 Roberts, Willie Jr	2:20-cv-02696
162 Rohrer, Richard	2:17-cv-13344
163 Rothmaller, Richard	2:18-cv-03669
164 Rowe, Abbie	2:18-cv-03708
165 Sandoval, Henry	2:17-cv-11522
166 Sassaman, Jody	2:18-cv-00626
167 Schott, Charlotte Renee	2:19-cv-13000
168 Shoja, Anthony	2:19-cv-17542
169 Smallwood, Vanessa	2:18-cv-01747
170 Smith Jill	2:18-cv-06726
171 Smith Sandra Kinney	2:18-cv-08078
172 Smith, Russell Troy	2:19-CV-01787
173 Smithers, Carolyn	2:19-cv-13757
174 Snowden, Barbara	2:19-cv-07320
175 Snyder, Diane Lee	2:19-cv-21875
176 Stanton, Regina	2:17-cv-11604
177 Stoddard, Glenda	2:19-cv-01068
178 Stratz, Genevieve A.	2:19-cv-10280
179 Strong, Darinda	2:17-cv-13035
180 Sturgis, Delores	2:19-cv-08707
181 Swanigan, Mary A	2:19-cv-16252
182 Talavera, Rita A.	2:17-cv-13681
183 Thomas, Rebecca Lynn	2:20-cv-01368
184 Traeger, Carol	2:18-cv-01023
185 Trinidad, Sandra	2:18-cv-03624
186 Troendle, Ann	2:18-cv-06398
187 Troy, Janet	2:19-cv-11587

Case 2:17-md-02789-CCC-LDW Document 781 Filed 04/07/22 Page 12 of 12 PageID: 101068 Exhibit A

188	Tyo, Allen	2:19-cv-05161
189	Van Vleck, Margaret	2:20-cv-03180
190	Vandivier, Debra	2:18-cv-01681
191	Wade, Charles	2:18-cv-11189
192	Walls Rosemary	2:18-cv-02652
193	Warren, April	2:20-cv-02428
194	Webster, Kathryn J	2:18-cv-04109
195	Weldon, Shatonna	2:18-cv-00266
196	Widel, Allen Jerry	2:19-CV-17444
197	Wiley, Sylvia	2:18-cv-09010
198	Williams, Elnora J.	2:17-cv-05572
199	Wise, Danny	2:19-cv-10131
200	Young, Gloria Jean	2:19-cv-09556