

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

IN RE: INSULIN PRICING LITIGATION

**No. 23-md-3080 (BRM) (RLS)
MDL No. 3080**

THIS DOCUMENT RELATES TO: ALL CASES

**CASE MANAGEMENT ORDER #10
(INITIAL DISCOVERY PLAN)**

The Court has fully considered the parties' respective proposals regarding a Case Management Order governing the "Initial Discovery Plan" in this matter, (*see* Doc. Nos. 166, 167, 168), as well as the arguments raised during the Case Management Conferences held on May 13 and 14, 2024, (*see* Doc. Nos. 182, 183). Exercising this Court's discretion and considering Rules 16 and 26 of the Federal Rules of Civil Procedure, together with Local Civil Rules 16.1 and 26.1, the Court resolves the parties' disputes herein and accordingly enters this Case Management Order regarding the Initial Discovery Plan.

I. SCOPE AND APPLICABILITY OF DISCOVERY PLAN

This Initial Discovery Plan is intended to promote the just and efficient conduct of this litigation, conserve judicial and party resources, minimize duplicative discovery, and serve the convenience of the parties and witnesses. This Case Management Order shall apply to all member cases in MDL 3080, as well as *In re Direct Purchaser Insulin Pricing Litigation*, No. 20-cv-3426 (D.N.J.) ("Direct Purchaser Action"), which is coordinated with the MDL for purposes of discovery per the Initial Case Management Order (CMO #1) and the September 12, 2023 Case

Management Conference.

Participation in the discovery outlined in this Initial Discovery Plan does not waive any party's objections to jurisdiction, venue, or service.

II. DISCOVERY AND DOCUMENT PRODUCTION

A. Discovery will commence immediately upon the entry of this Case Management Order. Common subject areas for discovery exist across each case within the Scope of this Order, and the parties will exchange Master Discovery Requests and/or Fact Sheets, as appropriate.

B. All parties will cooperate on deposition-related issues, including scheduling and Rule 30(b)(6) topics. The parties will negotiate a separate protocol governing depositions.

C. Relevant Time Period – Absent Court order or party agreement otherwise, the relevant time period for discovery is January 1, 2011 through January 1, 2023. A party may seek issue-specific discovery outside of this time period, and a party may raise undue burden objections to specific discovery requests within this time period. In such event, the parties shall meet and confer and, if they are unable to resolve the dispute, they shall promptly raise the issue with the Court.

D. Relevant Drugs – Absent Court order or party agreement otherwise, the relevant drugs for discovery include insulin products and glucagon-like peptide receptor agonists (“GLP-1s”).

E. Disclosures

- i. To the extent not already served, **by no later than 30 days** after the entry of this Order, each Plaintiff and each Defendant shall serve one set of initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(A), to apply across the member actions.
- ii. **By no later than 14 days** after the entry of this Order, all parties shall

file any disclosures of third-party litigation funding as required by Local Civil Rule 7.1.1.

F. Master Discovery Requests and Plaintiff Fact Sheets – The parties continue to meet and confer on this issue. Following the conclusion of those meet and confers, the parties shall submit a proposed Case Management Order to govern Master Discovery Requests and Plaintiff Fact Sheets. Bilateral discovery shall proceed as to all parties at this time, absent Court order or party agreement otherwise.

III. SCHEDULE

Absent Court order otherwise, the following schedule shall apply to all tracks. Any requests to modify this schedule shall be in writing to the Court before the deadline and shall indicate if all parties consent to the modification.

Event	Deadline
Motions to amend or to add parties	August 1, 2024
Substantial completion of document discovery	April 7, 2025
Fact Discovery Deadline	September 8, 2025
In those actions asserting putative class actions, the parties shall jointly propose a briefing schedule for any motions for class certification	August 11, 2025
Parties shall jointly propose a schedule for expert discovery and dispositive motions	August 11, 2025

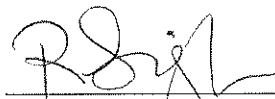
IV. SPECIAL DISCOVERY MECHANISMS AND PROCEDURES

A. As previously ordered, the parties may seek discovery from non-parties as of the May 13, 2024 Case Management Conference.

B. The parties shall meet and confer regarding a timeline for documents to be produced in this litigation and any supplemental discovery requests following the exchange of the Master Discovery Requests and/or Plaintiff Fact Sheets.

C. To the extent not already provided, **by no later than 30 days** of the entry of this Order, and subject to the terms of any order governing the production of Electronically Stored Information and Hard Copy Documents (the “ESI Protocol”), Defendants shall reproduce to all Plaintiffs in the member actions those documents they previously produced in: *In re Insulin Pricing Litigation*, No. 17-cv-699 (D.N.J.); *MSP Recovery Claims, Series, LLC v. Sanofi-Aventis U.S. LLC et al.*, No. 18-cv-2211 (D.N.J.); *in re Direct Purchaser Insulin Pricing Litigation*, No. 20-3426 (D.N.J.); and *Mississippi v. Eli Lilly, et al.*, No. 21-cv-674 (S.D. Miss.). Reproductions of prior discovery may be used to satisfy a party’s discovery requests.

SO ORDERED this 7th day of June 2024.



RUKHSANA L. SINGH
UNITED STATES MAGISTRATE JUDGE