

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: INSULIN PRICING LITIGATION

Case 2:23-md-03080
MDL No. 3080

JUDGE BRIAN R. MARTINOTTI
JUDGE RUKHSANAH L. SINGH

THIS DOCUMENT RELATES TO: ALL ACTIONS

CASE MANAGEMENT ORDER # 13

This matter having come before the Court by way of the parties' respective letters and submissions dated August 30, 2024 (*see* ECF Nos. 269, 270), regarding the entry of a Case Management Order in accordance with Case Management Order #10 (Initial Discovery Plan) (ECF No. 198), that sets forth the procedures and timeline for Master Discovery Requests and other discovery at this stage in the above-captioned multidistrict litigation, and the Court having fully considered the submissions of the parties, the status of this matter, and counsel's oral arguments during the September 5, 2024 hearing (ECF No. 275), and the Court exercising its discretion to manage discovery and upon a showing of good cause;

The Court hereby Orders as follows:

1. Except as otherwise provided herein or in any other Case Management Order, discovery shall be governed by the applicable provisions of the Federal Rules of Civil Procedure. Unless specifically modified herein, nothing in this Order shall be construed to abrogate, modify, or enlarge the Federal Rules of Civil Procedure. The parties may agree to adjustments to the limits or deadlines set forth below and may seek relief from the Court for good cause shown regarding the same.

I. MASTER REQUESTS FOR PRODUCTION TO DEFENDANTS

1. Absent leave of Court, Plaintiffs¹ may collectively serve up to 50 First Set of Master Requests for Production pursuant to Fed. R. Civ. P. 34 (“Master RFPs”) upon each Defendant. Master RFPs are limited to common issues across each Track. Plaintiffs need not serve the same set of Master RFPs on each Defendant.

2. Defendants shall serve written objections and responses to Plaintiffs’ Master RFPs within 30 days of being served.

3. Defendants shall begin a rolling production of documents and electronically stored information within 45 days after being served with Plaintiffs’ Master RFPs, with substantial completion of Defendants’ responsive document productions within 90 days after being served with Plaintiffs’ Master RFPs.

4. Plaintiffs may collectively serve up to 25 Supplemental Master Requests for Production of Documents (“Supplemental Master RFPs”) no later than 90 days prior to the fact discovery deadline.

5. Except as otherwise agreed, for any Supplemental Master RFPs, Defendants shall serve written objections and responses within 30 days after being served and shall substantially complete responsive productions within 45 days after being served.

II. MASTER INTERROGATORIES TO DEFENDANTS

1. Absent leave of Court, Plaintiffs may serve up to 40 total Master Interrogatories (First Set and Supplemental) to each PBM Defendant, and up to 20 total Master Interrogatories (First Set and Supplemental) to each Manufacturer Defendant.

2. Plaintiffs shall collectively serve a First Set of Master Interrogatories pursuant to Fed. R. Civ. P. 33 (“Master Interrogatories”) upon each Defendant. Master Interrogatories are

¹ As used herein, “Plaintiffs” refers collectively to the Plaintiffs in the member actions in MDL No. 3080, except where otherwise noted.

limited to common issues across each Track. Plaintiffs need not serve the same set of Master Interrogatories on each Defendant.

3. Defendants shall serve written objections and responses to Plaintiffs' Master Interrogatories within 45 days after being served.

4. Plaintiffs shall serve any Supplemental Master Interrogatories no later than 60 days prior to the fact discovery deadline.

5. Except as otherwise agreed, for any Supplemental Master Interrogatories, Defendants shall serve written objections and responses within 45 days after being served.

6. If Plaintiffs seek leave to serve additional Track-Specific discovery, they shall first meet and confer with Defendants and then request such leave at least 60 days prior to the fact discovery deadline.

III. MASTER DISCOVERY TO PLAINTIFFS IN THE CLASS TRACK

1. Defendants may collectively serve one set of Master Discovery Requests upon the TPP Plaintiffs and Wholesaler Plaintiffs, respectively, in the Class Tracks. Master Discovery Requests are limited to common issues across all Class Tracks.

2. Absent leave of Court, Defendants may collectively serve up to 40 Master Requests for Production pursuant to Fed. R. Civ. P. 34 ("Defendants' Master RFPs") upon Plaintiffs in the Class Tracks.

3. Plaintiffs in the Class Tracks shall serve written objections and responses to Defendants' Master RFPs within 30 days after being served.

4. Plaintiffs in the Class Tracks shall begin a rolling production of documents and electronically stored information within 45 days after being served with Defendants' Master RFPs, with substantial completion of Plaintiffs' responsive document productions within 90 days after being served with Defendants' Master RFPs.

5. Absent leave of Court, Defendants may serve up to 30 Master Interrogatories upon Plaintiffs in the Class Tracks.

6. Plaintiffs in the Class Tracks shall serve written objections and responses to Defendants' Master Interrogatories within 45 days after being served.

7. If Defendants seek leave to serve additional Track-Specific discovery, they shall first meet and confer with Plaintiffs and then request such leave at least 60 days prior to the fact discovery deadline.

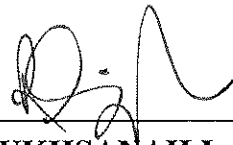
IV. CASE-SPECIFIC DISCOVERY FOR STATE AG AND SFP TRACKS

1. **Discovery Mechanism.** No party shall serve any case-specific written discovery on the Plaintiffs in the State AG and SFP Tracks other than the PFS or schedule any case-specific depositions, unless otherwise agreed upon by the parties or ordered by the Court. The Court will enter a separate order at a later date for those cases that require further discovery.

2. **Conferral on Case-Specific Discovery.** The parties shall confer on the number of appropriate case-specific interrogatories, requests for production, and requests for admission in any member cases. The Court reserves as to whether cases will be pooled for further case-specific discovery.

IT IS SO ORDERED.

DATED: October 15, 2024



RUKHSANAH L. SINGH
United State Magistrate Judge