

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

IN RE: BENICAR (OLMESARTAN)	:	Master Docket
	:	No. 15-2606 (RBK/JS)
PRODUCTS LIABILITY LITIGATION	:	
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O R D E R

The Court having held a discovery and status conference with the parties on October 28, 2015; and this Order intending to confirm the Court's rulings,

IT IS HEREBY ORDERED this 30th day of October, 2015, as follows:

1. By November 5, 2015, defendants shall produce an index to the documents that comprise the Roadmap Clinical Trial and the relevant Trial Master File. Defendants shall also identify to plaintiffs the portion(s) of the Roadmap Clinical Trial and Trial Master File documents available in electronic format, and the Roadmap Clinical Trial documents not contained in the Trial Master File. The parties shall meet and confer and be prepared to discuss the production of these documents/ESI at the next scheduled conference.

2. By November 5, 2015, plaintiffs are granted leave to designate another fifteen (15) Japanese custodians. By no later than November 16, 2015, the parties shall serve a Consent Order memorializing the Japanese Custodians to be searched (and search terms if not already done).

3. By November 11, 2015, the parties shall serve simultaneous letter briefs regarding the remaining issues involving their deposition protocol. These include: (1) whether Japanese deponents should be compelled to appear in the United States to be deposed; (2) whether these depositions may be video-conferenced in the United States; (3) whether defendants should be required to give advance notice if prospective Japanese deponents will be in the United States so that their depositions can be taken here; and (4) whether two cameras will be used at plaintiffs' videotaped depositions. The location of the depositions of United States witnesses will be addressed in a separate Order if a dispute exists.

4. Plaintiffs' depositions shall commence the week of January 18, 2016, and shall proceed according to the fact deposition protocol to be entered. Plaintiffs shall take at least two (2) depositions per week from January 18, 2016 to February 26, 2016. The Court will address with the parties at upcoming conferences when the pace of depositions will increase.

5. Within three (3) weeks of receipt of a plaintiff's fact sheet, defendants shall notify that plaintiff of any core deficiencies. Mr. Coffin shall be served with a copy of the letter via email. If a letter is timely sent, the trigger for defendants to serve their completed Fact Sheet shall be stayed. Plaintiffs shall respond by phone or letter within two (2) weeks of the date of service of defendants' letter. If the dispute is not resolved, defendants shall put the dispute on the agenda for the next court conference.

6. Effective after the production of defendants' next Production Summary, defendants shall include in the "Document Source" column the specific custodian(s)' database and/or source where the designated Bates range of documents originated.

7. By November 2, 2015, defendants shall advise plaintiffs of the Bates numbers of the 46 Adverse Event Reports ("AERs") identified in plaintiffs' recent letter. By November 9, 2015, defendants shall notify plaintiffs of the location of the source documents for these AERs, the volume of documents, whether any of the source material is electronically stored, and a reasonable estimate when the requested source documents and ESI will be produced.

8. By November 5, 2015, plaintiffs shall serve defendants with a list of potential witnesses to be deposed starting the week of January 18, 2015. By November 12, 2015, defendants shall

notify plaintiffs of the number of documents to be examined for each custodian after the application of the Court Ordered search terms, with an estimate of when the production of the documents will be completed. Defendants shall use their best efforts to complete these productions so that at least two (2) Daiichi depositions will be taken per week from January 18, 2016 to February 26, 2016.

9. As to cases filed where diversity does not exist, defendants may notify the Court and request dismissal on jurisdictional grounds no less than three (3) weeks after notice is given to that plaintiff's attorney. Liaison counsel shall also be notified via email; and it is further

ORDERED that the parties are encouraged to informally meet and confer regarding all discovery issues in an effort to minimize the parties' transaction costs and to expedite the resolution of these cases. The Court will make its Courtroom and/or jury room available for the parties to meet, and will be available to be present at the meetings if necessary.

s/Joel Schneider
JOEL SCHNEIDER
United States Magistrate Judge