

entry of a comprehensive order governing all further proceedings in this case, subject to the provisions of Section 2(c), *infra*, the provisions of this Order shall govern the practice and procedure in those actions that were transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to its order of December 7, 2016 listed on Schedule A. This Order also applies to all related cases filed in all vicinages of the District of New Jersey and will also apply to any “tag-along actions” later filed in, removed to, or transferred to this Court.

b. **Consolidation.** The civil actions listed on Schedule A are consolidated for pretrial purposes. Any “tag-along actions” later filed in, removed to or transferred to this Court, or directly filed in the District of New Jersey, will automatically be consolidated with this action without the necessity of future motions or orders. This consolidation, however, does not constitute a determination that the actions should be consolidated for trial, nor does it have the effect of making any entity a party to any action in which he, she or it has not been named, served or added in accordance with the Federal Rules of Civil Procedure.

c. **Prior Orders.** This Court was managing fifty-four (54) *Invokana* cases filed in the District of New Jersey as of November 15, 2016 (“DNJ *Invokana* Cases”) and entered three (3) case management orders in those cases. (*See, e.g., Partington v. Janssen Pharm.*, Dkt. No. 3:16-cv-1787 (BRM)(LHG), at ECF Nos. 28, 31, 34.) To date, the parties have agreed upon a preservation/discovery confidentiality order and order regarding electronically stored information, which have been entered in this MDL. (*See In re Invokana (Cangliflozin) Products Liability Litigation*, Dkt. No. 3:16-md-2750 (BRM)(LHG), at ECF Nos. 4, 5, and 6.) Counsel with cases transferred to this district are advised to review all orders previously entered by this Court.

d. **Extension and Stay.** Each defendant is granted an extension of time for responding by motion or answer to the complaint(s) until a date to be set by this Court. Pending the Initial

Case Management Conference and further orders of this Court, all outstanding discovery proceedings are stayed, and no further discovery shall be initiated. Moreover, all pending motions must be renoticed for resolution on a motion day or days after the Court's Initial Case Management Conference herein.

3. INITIAL CASE MANAGEMENT CONFERENCE

a. **Date of Initial Case Management Conference and Agenda for Conference.**

Matters relating to pretrial and discovery proceedings in these cases will be addressed at an Initial Case Management Conference to be held on **January 12, 2017 at 10:30 a.m.** in Judge Martinotti's courtroom, Courtroom 1 of the Clarkson S. Fisher Courthouse, 402 East State Street, Trenton, New Jersey, 08608. Counsel are expected to familiarize themselves with the MCL 4th and be prepared at the conference to suggest procedures that will facilitate the expeditious, economical, and just resolution of this litigation. The items listed in MCL 4th Sections 22.6, 22.61, 22.62, and 22.63 shall, to the extent applicable, constitute a tentative agenda for the conference. Counsel shall confer and seek consensus to the extent possible with respect to the items on the agenda, including a proposed discovery plan, amendment of pleadings, consideration of any class action allegations and motions, and be prepared to discuss the mode of trial. If the parties have any suggestions as to any case management orders or additional agenda items, these shall be emailed to njdnef_martinotti@njd.uscourts.gov and lhg_orders@njd.uscourts.gov on or before January 6, 2017.

b. **Attendance.** To minimize costs and facilitate a manageable conference, counsel are encouraged, but not required, to attend the conference, and parties with similar interests are expected to agree to the extent practicable on a single attorney to act on their joint behalf at the conference. A party will not, by designating an attorney to represent its interests at the conference,

be precluded from other representation during the litigation. Attendance at the conference will not waive objections to jurisdiction, venue, or service.

c. **Preparations for Conference.**

- i. Procedures for Complex Litigation. Counsel are expected to be prepared at the conference to suggest procedures that will facilitate the just, speedy, and inexpensive resolution of this litigation.
- ii. Initial Conference of Counsel. Before the conference, counsel shall meet and confer – in person, by telephone conference, or by video conference – and seek consensus to the extent possible with respect to the items on the agenda, including a proposed discovery plan and a suggested schedule for joinder of parties, amendment of pleadings, motions, and trial.
- iii. List of Affiliated Companies and Counsel. To assist the Court in identifying any problems of recusal or disqualification, counsel will submit to the Court no later than January 6, 2017 a list of all companies affiliated with the parties and all counsel associated in the litigation.
- iv. List of Related Actions. Counsels' statements shall list all related actions pending in state or federal court and their current status, to the extent known.
- v. Position statement. Plaintiffs and defendants shall submit to the Court via email on or before January 6, 2017 a brief written statement, not more than ten (10) pages, indicating their preliminary understanding of the facts involved in the litigation and the critical factual and legal issues. These statements will NOT be filed with the Clerk, will not be binding, will not

waive claims or defenses, and may not be offered in evidence against a party in later proceedings. The parties' statements shall list all pending motions, as well as all related cases pending in state or federal court, together with their current status, including any discovery taken to date, to the extent known. The parties shall be limited to one such submission for all plaintiffs and one such submission for all defendants.

- vi. Service list. A service list will be maintained by the Clerk of the Court during the course of this litigation by adding parties/attorneys to the master docket. Any attorney who wishes to have his/her name added to or deleted from the master docket may do so upon request to the Clerk of this Court and notice to all other persons on such master docket. Parties who are not named as parties in this litigation but may later be joined as parties or who are parties in related litigation pending in other federal or state courts are invited to attend in person or through counsel. Interim liaison counsel shall present to the Court at the Initial Case Management Conference a list of attorneys and their office addresses, phone and fax numbers, and e-mail addresses.

4. FUTURE CASE MANAGEMENT CONFERENCES

- a. The Court will conduct [it is anticipated these conferences will be held every 30 to 45 days], and the parties may request, periodic status, scheduling, and case management conferences to assess the progress regarding the matters scheduled herein. Reasonable notice of all such conferences will be provided to all counsel of record.
- b. In anticipation of all future case management conferences, liaison counsel shall

email to Judge Martinotti and Judge Goodman a joint proposed agenda and updated case list no fewer than five (5) days before any scheduled conference.

c. All conferences or parts thereof will be on the record and recorded. Anyone desiring a transcript may order one directly from Court Reporter Regina Tell via email at Regina_Tell@njdcourts.gov.

d. Notwithstanding Section 4(c) above, the Court anticipates it will continue the procedure previously outlined in the DNJ *Invokana* Cases, namely, a pre-conference meeting with liaison counsel followed by the case management conference on the record with all counsel. (*See Partington, supra*, at ECF No. 31, Sec. VI.)

e. Counsel appearing at each conference shall sign an attendance sheet, be familiar with the issues to be discussed, and not schedule other matters for the date and time of the conference.

f. All counsel are required to comply with the provisions of each order whether or not he or she was in attendance at the conference giving rise to the order.

5. MASTER DOCKET AND FILING

a. Any pleading or document which is to be filed in any of these actions shall be e-filed with the Clerk of this Court and not in the transferor court. The Clerk of this Court will maintain a master docket case file under the style “In Re: INVOKANA (CANAGLIFLOZIN) PRODUCTS LIABILITY LITIGATION” and the identification “MDL No. 2750.” When a pleading is intended to be applicable to all actions, this shall be indicated by the words: “This Document Relates to All Cases.” When a pleading is intended to apply to fewer than all cases, this Court’s docket number for each individual case to which the document number relates shall appear immediately after the words “This Document Relates to.” The following is a sample of

the pleading style:

IN RE: INVOKANA (CANAGLIFLOZIN)
PRODUCTS LIABILITY LITIGATION

MDL NO. 2750

JUDGE BRIAN R. MARTINOTTI
JUDGE LOIS H. GOODMAN

THIS DOCUMENT RELATES TO:

b. All documents filed in this Court must be filed electronically pursuant to Local Rule 5.1 and 7.1(d), this Court's Electronic Case Filing Policies and Procedures (<http://www.njd.uscourts.gov/cmecf-policies-and-procedures>), Judge Martinotti's Judicial Preferences (<http://www.njd.uscourts.gov/content/brian-martinotti>), and Judge Goodman's Judicial Preferences (<http://www.njd.uscourts.gov/content/lois-h-goodman>). Attorneys may register for electronic filing at <http://www.njd.uscourts.gov/cmecf-information>. An attorney who, due to exceptional circumstances, is unable to comply with the requirements of electronic filing, may apply to the Court for an order granting an exemption. The application shall be in writing, filed with the Clerk of Court, and shall state the reason for the attorney's inability to comply.

c. *Pro se* litigants who have not been authorized to file electronically shall continue to file their pleadings and other documents with the Clerk of this Court in the traditional manner, on paper.

d. The Clerk of Court is directed to make all entries on the master docket sheet with a notation listing the cases to which the document applies, except that a document closing a case will also be entered on the individual docket sheet. All documents shall be filed in the master file.

e. When an action that properly belongs as part of *In Re: Invokana (Canagliflozin) Products Liability Litigation* is hereinafter filed in the District of New Jersey or transferred here

from another court, the Clerk of this Court shall:

- i. File a copy of this Order in the separate file for such action;
- ii. Make an appropriate entry on the master docket sheet;
- iii. Forward to the attorneys for the plaintiff in the newly filed or transferred case a copy of this Order; and
- iv. Upon the first appearance of any new defendant, forward to the attorneys for the defendant in such newly filed or transferred cases a copy of this Order.

6. APPEARANCES IN LITIGATION

Counsel who appeared in a transferor court prior to transfer need not enter an additional appearance before this Court. Moreover, attorneys (in “tag-along actions”) admitted to practice and in good standing in any United States District Court are admitted *pro hac vice* in this litigation, and the requirements of Local Rules 101.1(c) are waived. Such counsel are subject to the New Jersey Rules of Professional Conduct, The Guidelines for Litigation Conduct, L. Civ. R. 103.1(c), and the disciplinary jurisdiction of this Court. Association of local counsel is not required.

7. DISCOVERY

a. Filing of Discovery Requests. Judge Goodman shall preside over all discovery matters. In accordance with Rule 5(d) of the Federal Rules of Civil Procedure, discovery requests and responses are not to be filed with the Clerk nor sent to the Judge’s Chambers, except when specifically ordered by the Court to the extent needed in connection with a motion.

b. Preservation of Evidence. This Court entered a Preservation Order on December 16, 2016. (See *In re Invokana (Cangliflozin) Products Liability Litigation*, 3:16-md-2750 (BRM)(LHG), at ECF Nos. 4, 5.)

8. LIAISON COUNSEL AND STEERING COMMITTEES

a. **Liaison Counsel.** It is the intent of the Court to appoint liaison counsel for the parties. Liaison counsel shall be authorized to receive orders and notices from the Court on behalf of all parties within their liaison group, and pending further orders of the Court, shall be responsible for the preparation and transmittal of copies of such orders and notices to the parties in their liaison group and perform other tasks determined by the Court. Liaison counsel shall be required to maintain complete files with copies of all documents served upon them and shall make such files available to parties within their liaison group upon request. Liaison counsel are also authorized to receive orders and notices from the Judicial Panel on Multidistrict Litigation pursuant to Rule 5.2(e) of the Panel's Rules of Procedure or from the transferee court on behalf of all parties within their liaison group and shall be responsible for the preparation and transmittal of copies of such orders and notices to the parties in their liaison group. Plaintiffs' liaison counsel shall coordinate the establishment of a document depository, real or virtual, to be available to all participating plaintiffs' counsel. The expenses incurred in performing the services of liaison counsel shall be shared equally by all members of the liaison's group in a manner agreeable to the parties or set by the Court failing such agreement. Applications/nominations for the designation of liaison must be filed with the District of New Jersey's Clerk's Office electronically on or before January 6, 2017. No submissions longer than three (3) pages will be considered. Appointment of liaison counsel shall be made by the Court after full consideration of the proposals. At the Initial Case Management Conference, liaison counsel and/or the parties should be prepared to discuss any additional needs for an organizational structure or any additional matters consistent with the efficient handling of this matter. Henceforth, liaison counsel for all parties shall meet and confer prior to the Court conferences; prepare agendas for the conferences and submit them to the Court

three days before the conference; and report at the conference regarding the status of the case.

This Court previously appointed Christopher Seeger, Esq., Michael London, Esq., and James Cecchi, Esq. as co-interim liaison counsel in the DNJ *Invokana* Cases. (*See Partington, supra*, at ECF No. 31.) Mr. Seeger, Mr. London, and Mr. Cecchi shall continue to serve in this capacity until further order.

b. **Plaintiffs' Steering Committee.** It is also the Court's intent to appoint a Plaintiffs' Steering Committee ("PSC") to conduct and coordinate the discovery stage of this litigation with the defendants' representatives or committee. The procedure for applications/nominations for the PSC positions will be addressed at the Initial Case Management Conference. The main criteria for membership in the PSC will be: (a) willingness and availability to commit to a time-consuming project; (b) ability to work cooperatively with others; and (c) professional experience in this type of litigation (d) willingness to commit the necessary resources to pursue this matter.

The PSC will have the following responsibilities:

Discovery:

- i. Initiate, coordinate, and conduct all pretrial discovery on behalf of plaintiffs in all actions which are consolidated with the instant multidistrict litigation.
- ii. Develop and propose to the Court schedules for the commencement, execution, and completion of all discovery on behalf of all plaintiffs.
- iii. Cause to be issued in the name of all plaintiffs the necessary discovery requests, motions, and subpoenas pertaining to any witnesses and documents needed to properly prepare for the pretrial discovery of relevant issue found in the pleadings of this litigation. Similar requests, notices,

and subpoenas may be caused to be issued by the PSC upon written request by an individual attorney in order to assist him/her in the preparation of the pretrial stages of his/her client's particular claims.

- iv. Conduct all discovery in a coordinated, efficient, and consolidated manner on behalf and for the benefit of all plaintiffs. No attorney for a plaintiff may be excluded from attending the examination of witnesses and other proceedings. Such attorney may suggest questions to be posed to deponents through the designated PSC members provided that such questions are not repetitious.

Hearings and Meeting:

- i. Call meetings of counsel for plaintiffs for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules, or joint briefs, and any other appropriate matter(s) pertaining to pretrial proceedings.
- ii. Examine witnesses and introduce evidence at hearings on behalf of plaintiffs.
- iii. Act as spokesperson for all plaintiffs at pretrial proceedings and in response to any inquiries by the Court, subject of course to the right of any plaintiff's counsel to present non-repetitive individual or different positions.

Miscellaneous:

- i. Submit and argue any verbal or written motions presented to the Court on behalf of the PSC as well as oppose when necessary any motions submitted

by the defendant or other parties which involve matters within the sphere of the responsibilities of the PSC.

- ii. Negotiate and enter into stipulations with Defendants regarding this litigation. All stipulations entered into by the PSC, except for strictly administrative details such as scheduling, must be submitted for Court approval and will not be binding until the Court has ratified the stipulation. Any attorney not in agreement with a non-administrative stipulation shall file with the Court a written objection thereto within ten (10) days after he/she knows or should have reasonably become aware of the stipulation. Failure to object within the term allowed shall be deemed a waiver and the stipulation will automatically be binding on that party.
- iii. Explore, develop, and pursue all settlement options pertaining to any claim or portion thereof of any case filed in this litigation.
- iv. Maintain adequate files of all pretrial matters and have them available, under reasonable terms and conditions, for examination by plaintiffs or their attorneys.
- v. Prepare periodic status reports summarizing the PSC's work and progress. These reports shall be submitted to the Plaintiffs' Liaison Counsel who will promptly distribute copies to the other plaintiffs' attorneys.
- vi. Perform any task necessary and proper for the PSC to accomplish its responsibilities as defined by the Court's orders.
- vii. Perform such other functions as may be expressly authorized by further orders of this Court.

viii. Reimbursement for costs and/or fees for services will be set at a time and in a manner established by the Court after due notice to all counsel and after a hearing.

c. **Defendants' Steering Committee.** The Court will consider at the Initial Case Management Conference the recommendations of the defendants for a procedure to form the Defendants' Steering Committee. Defendants' Steering Committee will have the duties and responsibilities described in Section 8(b) of this order as it pertains to this respective group.

9. MDL 2750 WEBSITE

A website particular to MDL 2750 has been created and can be accessed by going to this Court's website located at www.njd.uscourts.gov and clicking on "MDL/Notable Cases" and then clicking on the link to "Invokana MDL 2750" located under the "MDL Cases" heading. The MDL 2750 website may also be accessed directly by going to www.njd.uscourts.gov/invokana-litigation. The website will contain forms, court orders, minute entries, a calendar of upcoming events, and other relevant information.

10. COMMUNICATION WITH THE COURT

Unless otherwise ordered by this Court, all substantive communications with the Court shall be in writing, with copies to opposing counsel. Nevertheless, the Court recognizes that cooperation by and among plaintiffs' counsel and by and among defendants' counsel is essential for the orderly and expeditious resolution of this litigation. The communication of information among and between plaintiffs' counsel and among and between defendants' counsel shall not be deemed a waiver of the attorney-client privilege or the protection afforded attorney's work product, and cooperative efforts contemplated above shall in no way be used against any plaintiff by any defendant or against any defendant by any plaintiff. Nothing contained in this provision

shall be construed to limit the rights of any party or counsel to assert the attorney-client privilege or attorney work product doctrine.

Counsel may contact *ex parte*, for the purpose of settlement discussions only, Judge Martinotti via email at brian_martinotti@njd.uscourts.gov or Judge Goodman via lhg_orders@njd.uscourts.gov.

/s/Brian R. Martinotti
BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE

**IN RE: INVOKANA (CANAGLIFLOZIN)
PRODUCTS LIABILITY LITIGATION**

:
: **MDL NO. 2750**
:
:
: **JUDGE BRIAN R. MARTINOTTI**
: **JUDGE LOIS H. GOODMAN**
:

SCHEDULE A

Eastern District of California

ANZO v. JANSSEN RESEARCH & DEVELOPMENT, LLC, ET AL.,
C.A. No. 2:15-02217

Northern District of Georgia

BRAZIL v. JANSSEN RESEARCH & DEVELOPMENT LLC, ET AL.,
C.A. No. 4:15-00204

Northern District of Illinois

DAVIS v. JANSSEN PHARMACEUTICALS, INC., C.A. No. 1:16-08838

Southern District of Illinois

SCHURMAN v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:15-01180
ALLEN v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:15-01195
COUNTS v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:15-01196
FREEMAN, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-00557

Western District of Kentucky

HOUSE v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:15-00894
ADYE v. JANSSEN RESEARCH & DEVELOPMENT LLC, ET AL.,
C.A. No. 3:16-00107
ADKINS v. JANSSEN RESEARCH & DEVELOPMENT, LLC, ET AL.,
C.A. No. 3:16-00330
WOODWARD v. JANSSEN RESEARCH & DEVELOPMENT, LLC, ET AL.,
C.A. No. 3:16-00486

Eastern District of Louisiana

GUIDRY v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 2:15-04591
MADDOX v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 2:16-01189
LESSARD v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 2:16-02329

Middle District of Louisiana

JACKSON, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-00319

Western District of Louisiana

MARSHALL v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 5:16-00664
RUTLAND v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 5:16-00666

District of Minnesota

SCHROEDER v. JANSSEN PHARMACEUTICALS, INC., C.A. No. 0:16-03035

District of New Jersey

PUENTE, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:15-08070
BENJAMIN v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-01786
PARTINGTON v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-01787
ANDERS, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-01897
SWINNEY, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-01898
SEIFRIED v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-01931
BOWLING, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-02048
ROBERTSON, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-02050
HUMPHRIES, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-02278
GARCIA v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-02361
MILBURN v. JANSSEN RESEARCH & DEVELOPMENT LLC, ET AL.,
C.A. No. 3:16-02386
KUNO v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-02938
THOMPSON v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-03114

HENDERSON, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-03362

WADDLE v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-04024

WARREN v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-04136

DESALIS v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-04484

FOREHAND v. JANSSEN PHARMACEUTICALS, INC., ET AL.,

C.A. No. 3:16-04485

JACKSON v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-04486

ROGERS v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-04489

SUTHERLAND v. JANSSEN PHARMACEUTICALS, INC., ET AL.,

C.A. No. 3:16-04490

LEMKE v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-05316

JOHNSTON v. JANSSEN PHARMACEUTICALS, INC., ET AL.,

C.A. No. 3:16-05383

MULLIN v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-05388

ERWAY v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-05394

ERVIN, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,

C.A. No. 3:16-05478

SARKISYAN, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,

C.A. No. 3:16-05479

BUCHANAN v. JANSSEN PHARMACEUTICALS, INC., ET AL.,

C.A. No. 3:16-05645

FELIX v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-05649

HUDSON v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-05674

JAYJOHN, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,

C.A. No. 3:16-05675

KEMP, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,

C.A. No. 3:16-05676

LUNA, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,

C.A. No. 3:16-05677

POOLE v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-05681

STRINGER, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,

C.A. No. 3:16-05682

WILLIAMS v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-05683

SANDERS v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:16-05940