

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE: TYLENOL (ACETAMINOPHEN) MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION)	Case 2:13-md-02436-LS
)	MDL No. 2436
)	JUDGE LAWRENCE F. STENGEL
This Document Relates to: ALL CASES)	
)	

JOINT PROPOSED AGENDA

Pursuant to the Court’s Order entered on April 26, 2013 (Doc. 15), Defendants McNEIL-PPC, Inc. and Johnson & Johnson (“McNeil”);¹ L. Perrigo Company (“Perrigo”); Novartis Consumer Health, Inc. (“Novartis”) and Plaintiffs respectfully submit this joint Agenda.²

The Agenda appropriately includes consideration of the following items:

¹ McNEIL-PPC, Inc. submits this agenda on its own behalf and on behalf of McNeil Consumer Healthcare Division of McNEIL-PPC, Inc., an unincorporated division of McNEIL-PPC that is not separately amenable to suit. Further, Johnson & Johnson submits that it does not design, manufacture, market, distribute or sell any products, including any product alleged to be at issue in this MDL. Plaintiffs have not yet verified that McNeil Consumer Healthcare Division of McNEIL-PPC, Inc. is not separately amenable to suit and Plaintiffs also have not yet confirmed that Johnson & Johnson does not design, manufacture, market, distribute or sell any products, including any product alleged to be at issue in this MDL so Plaintiffs reserve their rights with respect to same.

² As specified by the Court’s Order, the Agenda is intended to provide the Court with brief statements of the Parties’ respective positions. (Doc. 15, 4/26/2013, at III(c)). The Court’s Order states that the proposed agenda must include a discovery plan, comment about amendment of pleadings, and consideration of class action allegations and motions and that the proposed agenda shall be submitted to the Court by filing the original and serving two copies on the Court at Chambers (*Id.*)

1. THE COURT'S EXPECTATIONS FOR PROFESSIONALISM, CIVILITY AND OVERALL CONDUCT OF THE PROCEEDINGS IN MDL 2436;

2. APPOINTMENT OF LIAISON COUNSEL AND STEERING COMMITTEE;

a) **Plaintiffs' Position:** Undersigned Plaintiffs' Counsel have filed a motion for the creation of and their appointment to a Plaintiffs' Steering Committee. *See* Plaintiffs' Response to Defendants' Motion to Stay Proceedings Pending Entry of MDL 2436 Case Management Orders and Plaintiffs' Counsels' Joint Cross-Application for the Creation of, and Their Appointment to, a Plaintiffs' Steering Committee. Undersigned Plaintiffs' Counsel are not presently aware of any other Court filings relating to the creation of and appointment to a Plaintiffs' Steering Committee.

b) **Defendants' Position:** Defendants take no position on Plaintiffs' stated position above.

3. PLAINTIFFS' PROPOSED CASE MANAGEMENT ORDERS SENT TO MCNEIL:

a) **Plaintiffs' Position:** The undersigned Plaintiffs' Counsel previously negotiated with McNeil the terms of a Protective Order and an Order Regarding the Method of Discovery. This Court entered those Orders, Case Management Order No. 1 and Case Management Order No. 2³, respectively, in the first 21 cases removed from the Philadelphia Court of Common Pleas prior to the establishment of this MDL. The Protective Order this Court entered in those initial 21 cases (CMO-1) was modeled after the Protective Order entered into by the same group of counsel and parties in the litigation that is pending in State Court in New Jersey.

To the extent it has not already occurred, undersigned Plaintiffs' counsel believe that both CMO-1 and CMO-2 should be entered as applicable to all cases in this MDL. In particular a protective order has been entered in at least the first 21 of the cases removed to this Court that is similar to the protective order entered in state court in New Jersey, and for consistency the same protective order should apply in all cases in this MDL.

In addition to the negotiation for the entry of CMO-1 and CMO-2, undersigned Plaintiffs' counsel also have drafted and have started negotiations with Defendants relating to proposed Case Management Orders to address the following issues/topics:

- CMO relating to the Plaintiff Fact Sheet;

³ CMO-2 is an "ESI" Order. On May 15, 2013, Plaintiffs and Defendant Perrigo jointly submitted to the Court for approval an ESI Order to govern Perrigo's method of discovery.

- CMO relating to Privilege;
- CMO relating to Direct Filing; and,
- CMO relating to Master Pleadings and Complaint.

With respect to each of the proposed CMO's identified, undersigned Plaintiffs' counsel have also drafted underlying documents to same, such as a suggested Master Complaint, Short Form Complaint and Plaintiff's Fact Sheet.

Undersigned Plaintiffs' counsel are prepared to continue their negotiations with Defendants' counsel on these issues/topics as the Court may direct towards reaching agreements so that they can be submitted to the Court as jointly proposed CMO's. In the event the parties cannot reach agreement on the terms of these CMO's, undersigned Plaintiffs' counsel will be prepared to submit to the Court their proposed versions with appropriate attachments as soon as practicable.

b) **Defendants' Position:** The Defendants agree with the Plaintiffs' position as stated above.

4. IDENTIFICATION OF CURRENT STATE COURT TYLENOL LIVER DAMAGE CASES (E.G., CALIFORNIA AND NEW JERSEY), AND OPPORTUNITIES FOR COORDINATION BETWEEN STATE AND MDL ACTIONS;

The Parties Joint Statement: Attached hereto as Exhibit "A" is list of currently pending cases in both state and federal court. The Parties will bring an updated version of this list to the initial conference as it changes daily.

As to any cases filed in the Philadelphia Court of Common Pleas where complete diversity of jurisdiction exists, McNeil will continue to remove those cases to this Court, as it has done. At the moment some more recently filed cases in the Court of Common Pleas have not yet been removed, but when ripe removal is expected. However, there is one case that is pending in the Philadelphia Court of Common Pleas as of this time that does not have complete diversity and it will not be removed to this Court. McNeil has recently served some discovery in that case.

As for the cases in state court in New Jersey, at the moment, all such cases are pending in Atlantic County before the Honorable Carole Higbee. There are approximately 15 such cases pending there. The first case was filed in 2010, and in April 2013, McNeil moved for Centralized Management of all cases pending in state court in New Jersey in Middlesex County. The New Jersey Court has set June 10, 2013 as the response date to that motion. In one other state court case in New Jersey, McNeil moved for a transfer of venue but Plaintiffs' response date has not

yet been reached. There has been some case specific discovery for some of the cases pending in New Jersey as well as generic discovery.

There are four (4) cases pending in state court in California where no discovery has occurred and one case in Texas state court where fact discovery is ongoing. (*See* Exhibit A).

Novartis and Perrigo are not parties to any of the current state court Tylenol liver damage cases.

5. EXPLANATION OF THE STATUS OF DISCOVERY IN PENDING MATTERS;

a) **Plaintiffs' Position:**

(i) **Generic Liability Discovery Against Defendants (hereinafter "Generic Discovery")**: In the New Jersey state court actions pending before the Honorable Carole Higbee, discovery is essentially stalled pending McNeil's re-production of its single ingredient Tylenol historical documents. Expert deadlines and scheduled trial dates in the cases selected for early trial have been postponed. Plaintiffs understand that the re-production should be complete within 30 days. The background leading to the reproduction was set forth in footnote 11 in *Plaintiffs' Responses to Defendants' Motion to Stay and their Joint-Application for the Creation of, and their Appointment to, a Plaintiffs' Steering Committee ("PSC")*. A few months ago the Plaintiffs filed a motion to compel against McNeil after they determined that McNeil had withheld an 1800+ page index relating to the organization and management of its documents located in a depository at its Fort Washington, Pennsylvania headquarters and raising issues relating to the manner and quality of McNeil's document production. Judge Higbee granted that motion and ordered McNeil (at its own cost) to re-scan and reproduce its entire Tylenol document depository located in Fort Washington. This re-scanning and reproduction project has caused such a delay that Judge Higbee has postponed expert discovery and upcoming trial dates in the early cases selected for trial.

McNeil has only recently started reproducing the rescanned documents and it is anticipated that Plaintiffs will need substantial time to re-organize and analyze the rolling-production before being in a position to complete fact and expert discovery.

Of note, the re-production as it is currently being delivered does not include any adverse event data or any data that might contain patient information. In addition, Plaintiffs believe that this reproduction does not contain all documents from Johnson & Johnson, which manufactures, distributes and collects data on acetaminophen-containing products world-wide, nor does it contain documents related to multi-ingredient acetaminophen-containing products such as Tylenol Cough and Cold. Thus additional document discovery remains, followed by depositions and expert designations.

(ii) **Case-Specific Discovery**: As set forth on Exhibit "A," Rule 26 Initial Disclosures were provided by the majority of the Plaintiffs whose cases were first removed from the Court of Common Pleas of Philadelphia to this Court prior to the establishment of the MDL.

In those cases Plaintiffs believe Defendants provided their Rule 26 Initial Disclosures. Since the establishment of this MDL, many more cases have been removed from the Court of Common Pleas to this Court but with the stay of proceedings Rule 26 Initial Disclosures have not been exchanged in all such cases.

Defendants served written discovery upon plaintiffs in the initially removed 21 related cases assigned to this Court before the establishment of this MDL. As noted above, undersigned Plaintiffs' Counsel commenced negotiations with McNeil Counsel about the terms of a Plaintiff Fact Sheet (along with a Medical Authorization Release Form) to be used in lieu of typical interrogatories and requests for production of documents, and McNeil withdrew that discovery. The negotiations relating to the Plaintiff's Fact Sheet ceased when a stay was imposed by this Court's Order of April 26, 2013.

One of the cases pending in this Court involves defendant "Perrigo" as well as defendants McNeil/ J & J. In that case, the *Becker* case (2:12-cv-05991), defendant Perrigo had served interrogatories and document requests but they also were withdrawn in light of the negotiations for a Plaintiff Fact Sheet.

As to some of the cases that were transferred to this Court by the Panel pursuant to 28 U.S.C. §1407, certain discovery had taken place in those cases prior to the establishment of this MDL and the transfer of those cases.

In federal cases that were initiated in other federal courts and which have now been transferred to this Court, the following discovery occurred as set forth on Exhibit "A." In the *Rudd* case (2:13-cv-01756) the Plaintiffs responded to Defendants Interrogatories and Request for Production of Documents. In the *Hardine* case (2:13-cv-01757) Plaintiff answered Interrogatories and responded to document requests and provided McNeil with medical records. In the *Thompson* case (2:13-cv-01755), the Plaintiff answered interrogatories and provided authorization for the release of records.

b) Defendants' Position: Defendants' position remains consistent with the purpose of creating an MDL, as set forth in the Manual of Complex Litigation, which is to coordinate discovery and to develop an initial plan for the "just, speedy, and inexpensive determination" of the litigation. To this end, defendants' position is that discovery that has been conducted in other matters should be utilized in the MDL to the fullest extent. Below is a discussion of McNeil's document production in New Jersey that plaintiffs agree should be utilized in this litigation.

Historically, McNeil's corporate records and documents pertaining to Tylenol (which represent collections spanning more than 20 years) were only available in paper form. Documents were retained because litigation involving Tylenol and liver damage has been pending intermittently for decades. Those paper documents have been maintained by McNeil on a continuing basis. This was, in fact, the case until 2005. Since 2005, McNeil has been collecting, and continues to collect, electronically stored information (ESI), along with Tylenol-related paper documents.

More recently—and as especially pertinent to this MDL—substantial document collection relating to Tylenol has taken in New Jersey state court since 2010. Most of MDL Plaintiffs’ counsel who seek leadership roles for the Plaintiffs are involved in the New Jersey litigation. Plaintiffs’ counsel have served over 250 requests for production of documents and document requests for more than 35 different McNeil custodians. This has resulted in McNeil’s production of more than 6.3 million pages of documents dating from the 1950s to 2012. McNeil was ordered by the New Jersey State Court, at Plaintiffs’ request, to produce those documents collected prior to 2006 and maintained in paper form in a repository to Plaintiffs in wholesale, without review for responsiveness. McNeil has complied with this Order. These paper documents were maintained in electronic form and produced to Plaintiffs on March 1, 2012. Plaintiffs contested the quality of the electronic form of the documents and, after motions and argument, McNeil re-scanned and reproduced the documents to Plaintiffs. That state court production is expected to be complete by June 15, 2013.

In addition to the entire document collection that had been previously stored in paper by McNeil, McNeil has also produced 122 transcripts total (106 deposition and 16 trial), as well as 62 sets of exhibits corresponding to various transcripts, over the past 20 years. McNeil has likewise produced more than 100 organizational charts which span decades.

Plaintiffs’ position makes significant misrepresentations regarding the motion practice and document disputes that occurred in the New Jersey litigation. However, McNeil does not believe the Court intended the agenda to be the vehicle by which to raise such disagreements. To the extent the Court would benefit from a full explanation of the history of the document production disputes in New Jersey, McNeil is prepared to discuss this with the Court or submit written papers.

The document productions made to date apply equally to the member actions in this MDL—because, like the MDL, the state court cases allege that the Plaintiffs sustained liver damage as a result of acetaminophen. As a result, discovery for McNeil is essentially complete, and may be utilized in this MDL without the need for duplication.

McNeil’s position remains that document production is complete for the set that was collected prior to 2006 and has been produced in multiple formats. To the extent, plaintiffs identify specific documents or has specific additional requests for production, McNeil agrees to conduct reasonable searches and inquiries and will produce responsive, non-privileged documents.

Perrigo clarifies that it has not withdrawn the interrogatories and document requests propounded on Plaintiff in the *Becker* matter. Perrigo has, however, agreed to indefinitely defer Plaintiff’s obligation to respond to those discovery requests pending the parties’ ongoing negotiations regarding a Plaintiff Fact Sheet and CMO governing the Plaintiff Fact Sheet.

6. SCOPE AND DURATION OF THE STAY OF PROCEEDINGS, INCLUDING RESPONSIVE PLEADINGS AND DISCOVERY OBLIGATIONS;

a) **Plaintiffs' Position:**

(i) **Generic Discovery:** Plaintiffs' position is that following the May 21, 2013 Conference, the stay should be lifted as to generic-liability discovery against Defendants.

The Plaintiffs served written discovery on the McNeil defendants in the initial 21 related actions. McNeil responded to the Requests for Production of Documents and Interrogatories but failed to respond to the Request for Admissions which were served on March 4, 2013 and McNeil received two extensions of time to respond to them. As to the responses to the Requests for Production of Documents and Interrogatory responses, the parties also engaged in a meet and confer relating to the adequacy of the responses to that discovery by the McNeil defendants. As noted above, Plaintiffs have also proposed a CMO to address Privilege issues that they will be prepared to continue to negotiate with Defendants' counsel once the stay is lifted. As to Plaintiffs' Request for Admissions, McNeil has had them for over two months. Plaintiffs request that the Court order McNeil to respond to the Request for Admissions on or before June 21, 2013.

For more detail, please see Plaintiffs' position under item 7 and 8 below.

(ii) **Case-Specific Discovery:** As to case-specific discovery, the stay should remain in place except for the exchange of Plaintiff and Defense Fact Sheets, medical and other records and authorizations for the same. Once the bellwether trial pool is selected, full case-specific discovery can occur in the trial pool cases. For more detail, please see Plaintiffs' position under item 7 and 8 below.

b) **Defendants' Position:** McNeil will serve responses to the outstanding Requests for Admissions that were served in specific cases prior to the MDL formation by June 21, 2013. As to case-specific discovery, Defendants state that the stay is no longer warranted and the parties should work to propose a discovery plan. Defendants propose that for any case that was either locally filed in the Eastern District of Pennsylvania and is referenced as a related matter to this MDL, to the extent the defendants have not yet filed their responsive pleading, Defendants request that the court order that it shall file the responsive pleading by June 14, 2013. For any action subsequently transferred into this MDL pursuant to JPML procedures, Defendants request that the Court order that it shall have 30 days from the date of transfer in which to file a responsive pleading.

7. **DEVELOPMENT OF A PROPOSED DISCOVERY PLAN FOR AN EFFICIENT AND REASONABLE SCHEDULE FOR DISCOVERY;**

a) **Plaintiffs' Position:** Plaintiffs and Defendants shall meet and confer on an appropriate discovery plan.

(i) **Generic Discovery**: As a generalization, Plaintiffs will accept the documents served in the New Jersey State Court Litigation as being representative of pre-2006 Tylenol documents without adverse event documents or documents containing medically privileged information. Going forward, however, Plaintiffs submit that there are “gaps” in the document production that need to be filled, including but not limited to documents relating to multi-ingredient acetaminophen products, adverse events and their reporting, recent documents such as those relating to the recent dosage change, international documents, and Johnson & Johnson documents. However, in accepting the New Jersey production, subject to seeking discovery to address the gaps in the discovery, Plaintiffs do not waive the right to seek other proper discovery as they review documents to be produced. For example, Plaintiffs do not waive the right to seek “follow-up” discovery, such as (as an example only) locating specific studies noted in a particular memorandum, if Plaintiffs are unable with due diligence to locate the specific studies from the global collection of documents produced or if Plaintiffs do not believe the studies have been produced. Plaintiffs will request the cooperation of the Defendants with respect to any such follow up discovery required. Once a comprehensive set of documents have been produced, Plaintiffs shall be ready to take depositions within 90 days and identify experts within an additional 120 days.

(ii) **Case-Specific Discovery**: The Plaintiffs’ propose an organized approach to case-specific discovery in connection with a Bellwether trial plan. There should be a period of time that case-specific discovery is limited to the exchange Plaintiff and Defense Fact Sheet, records and authorizations of records. This will enable the parties to select a pool of cases from which further case-specific discovery will proceed so that bellwether trial cases can be selected. *See* agenda item 8 below.

b) **Defendants’ Position**: As the plain text of the MDL statute provides, the overarching purpose in centralizing cases in an MDL is for the convenience of parties and witnesses and the promotion of judicial efficiency. 28 U.S.C. § 1407(a) (“When civil actions involving one or more **common questions of fact** are pending in different districts, such actions may be transferred to any district for coordinated or consolidated pretrial proceedings. Such transfers shall be made by the judicial panel on multidistrict litigation authorized by this section upon its determination that transfers for such proceedings will be for the **convenience of parties and witnesses** and will promote the **just and efficient conduct** of such actions.”).

As the Judicial Panel on Multidistrict Litigation found when it created MDL 2436, “[c]entralization will eliminate duplicative discovery, prevent inconsistent pretrial rulings (on *Daubert* issues and other matters), and conserve the resources of the parties, their counsel, and the judiciary.” JPML, MDL No. 2436, Tr. Order, 4/1/2013, at p.2 (also recognizing that “[t]ransferee judges have demonstrated the ability to establish and effectively manage common and individual discovery tracks, thereby realizing the benefits of centralization without delaying or compromising consideration of case-specific issues. *See In re: Yamaha Motor Corp. Rhino ATV Prods. Liab. Litig.*, 597 F. Supp. 2d 1377, 1378 (J.P.M.L. 2009).”).

As the Manual for Complex Litigation aptly explains, “[t]he primary objective of the [case management] conference is to develop an initial plan for the “just, speedy, and inexpensive determination” of the litigation. This plan should include procedures for identifying and resolving disputed issues of law, identifying and narrowing disputed issues of fact, carrying out disclosure and conducting discovery efficiently and economically, and preparing for trial in the absence of settlement or summary disposition. The agenda should be shaped by the needs of the particular litigation.” Manual for Complex Litigation (Fourth) § 11.211 (“Case-Management Plan”); § 11.42 (“Planning and Control”) (“The judge’s role is to oversee the plan and provide guidance and control. In performing that role, even with limited familiarity with the case, the judge must retain responsibility for control of discovery. The judge should not hesitate to ask why particular discovery is needed and whether information can be obtained more efficiently and economically by other means.”); 11.422 (“Limitations”) (“In determining appropriate limits [on discovery], the court will need to balance efficiency and economy against the parties’ need to develop an adequate record for summary judgment or trial.”); *see also id.* §§ 22.6, 22.61, 22.62, 22.63 (identifying specific case management orders/procedures).

The fundamental issue that will dictate early motion practice and the scope of the litigation is Plaintiff-specific: what product(s) did the individual take, when, how much, and for how long.

An appropriately tailored discovery plan would require Plaintiffs to provide items including (but not limited to) proof of purchase of a product manufactured by a defendant (i.e., product identification), together with proof of purchase and production of the actual product/label; production all medical records, including laboratory results indicating alleged liver injury; identification of all relevant dates (e.g., precise ingestion and injury dates); identification of the treating physician(s) who prescribed Tylenol and/or other products; as appropriate, a declaration of the treating physician(s) stating that s/he was unaware that “Tylenol” contained a risk of liver damage; that s/he did not see any warning/labels (such as the approved label, PDR or other warnings); that s/he would not have recommended Tylenol if aware of the risk of liver damage; and/or that the lack of an adequate warning proximately caused the alleged liver damage. Defendants propose that this be done by specific form, followed by a full and complete Plaintiff Fact Sheet.

8. BELLWETHER TRIAL PLAN;

a) **Plaintiffs’ Position:** The Plaintiffs propose that shortly after the PSC is selected, that the parties meet and confer and begin the process of creating a pool of cases from which the bellwether cases will be selected. Once the pool of cases is selected, case-specific discovery can begin in those cases. In the non-trial pool cases, case-specific discovery should be stayed other than the exchange of Plaintiffs and Defense Fact Sheets, records and authorizations for the release of records in addition to generic discovery. Near the conclusion of case-specific discovery in the trial pool cases, the parties can then begin the process of selecting bellwether trials.

Bellwether trials would benefit the parties and the Court by providing meaningful information and experience to everyone involved in the litigations. “Bellwether” or “representative” trials, enhance and accelerate both the MDL process itself and the global resolution. They assist in the maturation of disputes by providing an opportunity for counsel to organize the products of pretrial common discovery, evaluate the strengths and weaknesses of their arguments and evidence, and understand the risks and costs associated with the litigation. At a minimum, the bellwether process should lead to the creation of “trial packages” that can be utilized by local counsel upon the dissolution of MDLs, a valuable by-product in its own right that supplies at least a partial justification for the traditional delay associated with MDL practice. *See* Fallon, Eldon E, et al *Bellwether Trials in Multidistrict Litigation*, TULANE LAW REV. Vol. 82:2323 (2008).

Plaintiffs anticipate that the defendants will argue against a bellwether trial process. Plaintiffs reserve their right to discuss this further, if necessary at the Case Management Conference or as the Court deems necessary.

b) **Defendants’ Position:** Defendants anticipate that there will be bellwether trials, but submit that it is premature to discuss the trials or set requirements for the trials until information is obtained regarding plaintiffs’ cases, plaintiff fact sheets are submitted, and the appropriate medical records are collected. The plaintiff-specific discovery is needed in order to evaluate and discuss appropriate discovery pools and bellwether selection.

9. PLANNING FOR FUTURE SCHEDULING AND STATUS CONFERENCE:

The Parties agree with the Court’s Order dated April 26, 2013 at paragraph 7 that monthly status conferences will be useful with participation by counsel by telephone in list-only mode.

10. TOLLING AGREEMENT:

a) **Plaintiffs’ Position:** Plaintiffs desire a tolling agreement and have requested the same from the McNeil defendants.

b) **Defendants’ Position:** McNeil will not agree to a tolling agreement at this time.

12. EXPEDITED DISCOVERY PROCEDURE AND PAGE LIMITATIONS:

a) **Plaintiffs’ Position:** Plaintiffs propose the following procedures for the expedited resolution of discovery disputes in order to minimize delay and cost. If, a discovery dispute

remains after a party has conferred, or attempted to confer in good-faith, consistent with Rules 37(a) and 26(c) to resolve the dispute:

1) The Moving party shall submit by E-mail to the Court at [insert E-mail address](copying all counsel), a 2-3 page double-spaced letter-brief describing the discovery dispute, stating the party's position and requesting a conference call with the Court.

2) Within 48 hours of receiving a copy the Moving Party's E-mail letter brief, the Responding Party shall submit by E-mail to the Court (copying all counsel), a 2-3 page, double-spaced, letter-brief.

3) There shall be no Reply.

4) The Parties are encouraged to minimize the number of Exhibits. If the discovery issue involves a disagreement over a Proposed Case-Management Order (CMO), the Parties shall submit with their respective letters, a copy of the CMO with the area of dispute highlighted in such a way that the Court can easily discern what is, and what is not in dispute.

b) Defendants' Position: Defendants do not agree with plaintiffs' proposal at this point in the litigation. Defendants submit that not all discovery issues can be briefed in accordance with plaintiffs' proposed procedure. Additionally, because the Court will be scheduling monthly status conferences, the necessity for multiple email submissions of discovery disputes is not warranted.

Respectfully submitted this 15th day of May, 2013.

/s/ Christy Jones

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Attorneys for Plaintiffs⁴

⁴ Signatory Plaintiff's counsel have applied to the Court for the creation of a Plaintiffs' Steering Committee and their appointment to same.

CERTIFICATE OF SERVICE

I hereby certify on this 15th day of May, 2013, a copy of the foregoing document was filed through the Court's ECF system. Notice of this filing will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Christy D. Jones _____

Christy D. Jones

PENDING TYLENOL ACTIONS

As of 5/15/2013

MDL 2436							
#	Case Name	Transferee Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
1	Allen, Kaitlyn	E.D.Pa.	2:12-cv-7259	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
2	Altimus, Angela	E.D.Pa.	2:12-cv-7258	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
3	Barnes, Betty	E.D.Pa.	2:12-cv-07255	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants' (served but responses stayed).	None
4	Barney, Estate of Justin by Lia Barney	E.D.Pa.	2:12-cv-07253	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
5	Becker, Laura Ann	E.D.Pa.	2:12-cv-05991	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' First Interrogatories, Requests for Production and Requests for Admission to Defendants (served but responses stayed); Defendants' Responses to Plaintiffs' Interrogatories (Set 1) (served 3-8-13); Defendants' Responses to Plaintiffs' Request for Production (served on 3-29-13).	None
6	Blake, Estate of Clifford	E.D.Pa.	2:12-cv-5990	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' First Interrogatories, Requests for Production and Requests for Admission to Defendants (served but responses stayed); Defendants' Responses to Plaintiffs' Interrogatories (Set 1) (served 3-8-13); Defendants' Responses to Plaintiffs' Request for Production (served on 3-29-13).	None
7	Bolick, Krista	E.D.Pa.	2:13-cv-01264	Active	Yes	None	None

PENDING TYLENOL ACTIONS

As of 5/15/2013

#	Case Name	Transfer Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
8	Brewster, Heavenly by Michael Brewster	E.D.Pa.	2:13-cv-2429	Active	Yes	None	None
9	Brown, Catherine	E.D.Pa.	2:13-cv-0545	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
10	Burdin, Patricia	E.D.Pa.	2:13-cv-01711	Active	Yes	None	None
11	Burton, Sherry	E.D.Pa.	2: 13-cv-00985	Active	Yes	Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
12	Carroll, Amber	E.D.Pa.	2:13-cv-02611	Active	Yes	None	None
13	Cohen, Renee	E.D.Pa.	2:13-cv-00755	Active	Yes	Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
14	Coleman, Evelyn Donovan Coleman	E.D.Pa.	2:13-cv-02612	Active	Yes	None	None
15	Coleman, Estate of Robert W. by Tommie J. Coleman	S.D.Ms.	2:13-cv-01893	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiff's Responses to Interrogatories and Requests for Production (served 4-8-13).	None
16	Davidson, Estate of Kristin	E.D.Pa.	2:12-cv-5992	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' First Interrogatories, Requests for Production and Requests for Admission to Defendants (served but responses stayed); Defendants' Responses to Plaintiffs' Interrogatories (Set 1) (served 3-8-13); Defendants' Responses to Plaintiffs' Request for Production (served on 3-29-13).	None
17	Davis, Estate of Harry by Kim Davis	E.D.Pa.	2:13-cv-00554	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13)	None
18	Davis, Wesley o/b/o Andrew a Minor	E.D.Pa.	2:13-cv-1074	Active	Yes	Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None

PENDING TYLENOL ACTIONS

As of 5/15/2013

#	Case Name	Transferee Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
19	Fleischer, Estate of Scott, and Hope Fleischer, by Lee Hanford, Esquire	E.D.Pa.	2:12-cv-5993	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' First Interrogatories, Requests for Production and Requests for Admission to Defendants (served but responses stayed); Defendants' Responses to Plaintiffs' Interrogatories (Set 1) (served 3-8-13); Defendants' Responses to Plaintiffs' Request for Production (served on 3-29-13)	None
20	Funderburk, Brenda	D.Ariz.	2:13-cv-02142	Active	Yes	None	None
21	Giese, Dawn	E.D.Pa.	2:13-cv-00547	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13).	None
22	Greenwood, Melanie	E.D.Pa.	2:13-cv-1932	Active	Yes	None	None
23	Greer, Karen	E.D.Pa.	2:13-cv-1055	Active	Yes	Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
24	Griffin, Lynda	E.D.Pa.	2:13-cv-01724	Active	Yes	None	None
25	Guadagno, Kaitlyn	E.D.Pa.	2:12-cv-07261	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
26	Gunderson, Tara	E.D.Pa.	2:13-cv-1073	Active	Yes	Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
27	Hagg, Jennifer	E.D.Pa.	2:13-cv-01933	Active	Yes	None	None
28	Hamlet, Patricia o/b/o Corey Evan Call	E.D.Pa.	2:13-cv-0552	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
29	Hammond, Kathleen	E.D.Pa.	2:13-cv-02063	Active	Yes	None	None
30	Hardine, Lilowtie	D.NJ.	2:13-cv-01757	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's Responses to Plaintiff's First Interrogatories Served; Plaintiff's Responses to McNeil's First Set of Interrogatories Served	None

PENDING TYLENOL ACTIONS

As of 5/15/2013

#	Case Name	Transferee Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
31	Harrison, Jennipher	E.D.Pa.	2:13-cv-01712	Active	Yes	None	None
32	Hayes, Estate of Denice by Rana Terry	E.D.Pa.	2:12-cv-7263	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
33	Henson, Stephanie	E.D.Pa.	2:13-cv-1931	Active	Yes	None	None
34	Huffman, Bobby Jo	E.D.Pa.	2:13-cv-1753	Active	Yes	None	None
35	Hurlstone, Cheryl	M.D.Fl.	8:13-cv-1236	Active	No	None	None
36	Israel, Estate of Douglas J. by Jeannie Wyant	E.D.Pa.	2:13-cv-00756	Active	Yes	Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
37	Jimenez, Augustina	E.D.Pa.	2:12-cv-5996	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' First Interrogatories, Requests for Production and Requests for Admission to Defendants (served but responses stayed); Defendants' Responses to Plaintiffs' Interrogatories (Set 1) (served 3-8-13); Defendants' Responses to Plaintiffs' Request for Production (served on 3-29-13).	None
38	Jowers, Cynthia	E.D.Pa.	2:13-cv-01934	Active	Yes	None	None
39	Kearney Estate of Deborah by Suzanne Kearney	E.D.Mo.	2:13-cv-02143	Active	Yes	None	None
40	Keidel, Estate of Mary by Joseph	E.D.Pa.	2:13-cv-2031	Active	Yes	None	None
41	King, Monica	E.D.Pa.	2:13-cv-1325	Active	Yes	None	None
42	Loomba, Vincki and Vishav	E.D.Pa.	2:13-cv-0543	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None

PENDING TYLENOL ACTIONS

As of 5/15/2013

#	Case Name	Transfer Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
43	Lucio, Pete J. Individually and Pete and Tara Lucio o/b/o Kamryn J. Lucio	E.D.Pa.	2:13-cv-2029	Active	Yes	None	None
44	McHugh, Mary Ann	E.D.Pa.	2:13-cv-2610	Active	No	None	None
45	McIntyre, Estate of Constance by Richard McIntyre	E.D.Pa.	2:13-cv-0553	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
46	McIntosh, Sala	E.D.Pa.	2:13-cv-01935	Active	Yes	None	None
47	Milam, Estate of Tracy Lea by Sandra Milam	E.D.Pa.	2:13-cv-1710	Active	Yes	None	None
48	Murphy, Candice	E.D.Pa.	2:13-cv-0549	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
49	Murphy, Cathleen, as Executrix of the Estate of Michael Murphy and Cathleen Murphy, Individually	E.D.Pa.	2:13-cv-01894	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 4-25-11); Defendants' Responses and Objections to Plaintiff's First Request for the Production of Documents (served 1-18-13)	None
50	O'Brien, Pamela	E.D.Pa.	2: 13-cv-1075	Active	Yes	Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
51	Oelke, Antonia	E.D.Pa.	2:13-cv-02180	Active	Yes	None	None
52	Oliver Estate of Timothy Lee by Angela Oliver and Diana Kardt	E.D.Pa.	2:13-cv-02379	Active	Yes	None	None

PENDING TYLENOL ACTIONS

As of 5/15/2013

#	Case Name	Transferee Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
53	Osborne, Alseisha	E.D.Pa.	2:12-cv-7254	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
54	Pettersen, Lucky	E.D.Pa.	2:12-cv-5988	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' First Interrogatories, Requests for Production (served 12-17-12) and Requests for Admission to Defendants (served but responses stayed); Defendants' Responses to Plaintiffs' Interrogatories (Set 1) (served 3-8-13); Defendants' Responses to Plaintiffs' Request for Production (served on 3-29-13).	None
55	Pritchard, Sandra	E.D.Pa.	2:13cv02026	Active	Yes	None	None
56	Rash, Estate of Tonja, by Raymon Vick	E.D.Pa.	2:13-cv-0757	Active	Yes	Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
57	Rebollo-Munoz, David	E.D.Pa.	2:13-cv-0550	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed)..	None
58	Reed, Estate of Vicki	E.D.Pa.	2:13-cv-1038	Active	Yes	Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
59	Renee, Janaya by Beverly Jacquet-Ubbes	E.D.Pa.	2:13-cv-1326	Active	Yes	None	None
60	Rino, Delli	E.D.Pa.	2:13-cv-0551	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
61	Rudd, Sandra L.	S.D.Fl.	2:13-cv-01756	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 11-30-12); Plaintiff's Answers to Defendants' First Set of Interrogatories (served 1-25-13)	None

PENDING TYLENOL ACTIONS

As of 5/15/2013

#	Case Name	Transfer Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
62	Rutkowski, Estate of Torri by Jordan Rutkowski	E.D.Pa.	2:12-cv-7262	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
63	Sears, Lori	E.D.Pa.	2:12-cv-7256	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
64	Sechi, Kayleigh	D.Ma.	2:13-cv-1920	Active	Yes	None	None
65	Seidler, Kurt	E.D.Pa.	2:13-cv-2028	Active	Yes	None	None
66	Sinnett, Scott	E.D.Pa.	2:13-cv-0555	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
67	Skursha, Sharyn	E.D.Pa.	2:12-cv-5989	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' First Interrogatories, Requests for Production (served 12-17-12) and Requests for Admission to Defendants (served but responses stayed); Defendants' Responses to Plaintiffs' Interrogatories (Set 1) (served 3-8-13); Defendants' Responses to Plaintiffs' Request for Production (served on 3-29-13).	None
68	Smith, Shamika	E.D.Pa.	2:13-cv-1354	Active	Yes	None	None
69	Snyder, Estate of Karissa by Jason Snyder	E.D.Pa.	2:12-cv-7257	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None

PENDING TYLENOL ACTIONS

As of 5/15/2013

#	Case Name	Transfer Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
70	Speal, Madeline	E.D.Pa.	2:12-cv-5997	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' First Interrogatories, Requests for Production (served 12-17-12) and Requests for Admission to Defendants (served but responses stayed); Defendants' Responses to Plaintiffs' Interrogatories (Set 1) (served 3-8-13); Defendants' Responses to Plaintiffs' Request for Production (served on 3-29-13)	None
71	Temples, Estate of Allen by Bobbie	E.D.Pa.	2:13-cv-02027	Active	Yes	None	None
72	Terry, Estate of Kimberly by Phillip Pewitt	E.D.Pa.	2:12-cv-5994	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' First Interrogatories, Requests for Production (served 12-17-12) and Requests for Admission to Defendants (served but responses stayed); Defendants' Responses to Plaintiffs' Interrogatories (Set 1) (served 3-8-13); Defendants' Responses to Plaintiffs' Request for Production (served on 3-29-13)	None
73	Thompson, Charlotte Lee	M.D.Fl.	2:13-cv-01755	Active	Yes	Rule 26(a) Initial Disclosures Served; Plaintiff's First Requests for Production to McNeil and J&J; Plaintiff's First Request for Admissions; McNeil's First Set of Interrogatories and Requests for Production Directed to Plaintiff; Plaintiff's First Interrogatories to McNeil and J&J; Plaintiff's Responses to McNeil's First Interrogatories and Requests for Production; Defendants' Responses to Plaintiff's Request for Admissions, Request for Interrogatories and Requests for Production; McNeil's 2 nd Set of Production Requests to Plaintiff; Plaintiff's Supplemental Responses to McNeil's 1 st Set of Interrogatories and Requests for Production	None

PENDING TYLENOL ACTIONS

As of 5/15/2013

#	Case Name	Transferee Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
74	Toole, Estate of Jeanie by Jonathan Toole, et al.	E.D.Pa.	2:13-cv-02030	Active	Yes	None	None
75	Ursoi, Peter	E.D.Pa.	2:12-cv-5995	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' First Interrogatories, Requests for Production (served 12-17-12) and Requests for Admission to Defendants (served but responses stayed); Defendants' Responses to Plaintiffs' Interrogatories (Set 1) (served 3-8-13); Defendants' Responses to Plaintiffs' Request for Production (served on 3-29-13)	None
76	Villareal, Estate of Donna by Rachel Villareal	E.D.Pa.	2:13-cv:0548	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission (to Defendants served but responses stayed).	None
77	Why, Estate of Anne by Herbert Why	E.D.Pa.	2:12-cv-7260	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
78	Wilkerson, Deborah	E.D.Pa.	2:13-cv-02032	Active	Yes	None	None
79	Williams, Ayonah by Shaquita Perry	E.D.Pa.	2:13-cv-0546	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13).	None
80	Wright, Andrena	E.D.Pa.	2:13-cv-0544	Active	Yes	Rule 26(a) Initial Disclosures Served; McNeil's First Interrogatories and Requests for Production to Plaintiff (served 2-19-13); Plaintiffs' Requests for Admission to Defendants (served but responses stayed).	None
PHILADELPHIA COURT OF COMMON PLEAS ACTIONS							
#	Case Name	Court	Docket No	Status	Transferred to MDL	Discovery Taken to Date	Pending Motions

PENDING TYLENOL ACTIONS

As of 5/15/2013

#	Case Name	Transfer Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
1	Hlatky, Estate of Leslie by Elizabeth Nowak (<i>See</i> Endnote 1)	Phila Court of Common Pleas	January Term, 2012, No 1569	Active	No	None	None
2	LaRose, Wayne	Phila Court of Common Pleas	April Term, 2013, No. 4037	Active	No	None	None

CALIFORNIA STATE COURT ACTIONS

#	Case Name	Court	Docket Number	Status	Transferred to MDL	Discovery Taken to Date	Pending Motions
1	Dahmen, James, Kindler, Elizabeth, et al.	Sup Court of CA, Los Angeles County	BC495126	Active	No	None	None
2	Harris-Butler, Ola; Hall, Gail N.; Hall, Michele; Seate, William; Seate, Rebecca; Gomez, Dolores	Sup Court of CA, Alameda County	RG13671484	Active	No	None	None
3	Oliver, Theresa and Anderson, Bruce	Sup Court of CA, Fresno County	12CECG03250	Active	No	None	None

PENDING TYLENOL ACTIONS

As of 5/15/2013

#	Case Name	Transferee Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
4	Russ, Debra; Russ, Olga; Rogers, Lullian; Rogers, Scott; Robinson, William; Fazande, Byron; Fazande, Sr., Byron; Remo, Glenda; Weir, Mary; Spears, Stanley; Smith, Elissa; Herring, Cara	Sup Court of CA, Los Angeles County	BC498675	Active	No	None	None

NEW JERSEY STATE COURT ACTIONS PENDING CONSOLIDATION ⁽²⁾

#	Case Name	Court	Docket Number	Status	Transferred to MDL	Discovery Taken to Date	Pending Motions
1	Bass, Diane	NJ Superior Court, Atlantic County	L-1260-12	Active	No	Written discovery served on Plaintiffs; Responses received; fact witness discovery completed; discovery deadline July 28, 2013.	See Endnote 3
2	Boka, Estate of Paula Ann by Bernard Boka, MD	NJ Superior Court, Atlantic County	L-4852-10	Active	No	Written discovery served on Plaintiffs; Responses received; fact witness discovery completed.	See Endnote 3
3	Cotto, Feliciano and Regina o/b/o Nevaeh Cott, A Minor	NJ Superior Court, Atlantic County	L-7068-12	Active	No	None	See Endnote 3
4	Jackson, Regina	NJ Superior Court, Atlantic County	L-880-13	Active	No	None	See Endnote 3

PENDING TYLENOL ACTIONS

As of 5/15/2013

#	Case Name	Transferee Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
5	Lopez, Estate of Scarlett by Emir Lopez	NJ Superior Court, Atlantic County	L-6965-12	Active	No	None	See Endnote 3
6	Lyles, Angela o/b/o Kiyana Lemon, A Minor	NJ Superior Court, Atlantic County	L-8655-11	Active	No	Written discovery served on Plaintiffs; Responses received; fact witness on going.	See Endnote 3
7	Lynch, Maureen	NJ Superior Court, Atlantic County	L-181-13	Active	No	None	See Endnote 3
8	Morasse, Jessica	NJ Superior Court, Atlantic County	L-7291-12	Active	No	None	See Endnote 3
9	Neal, Apprill	NJ Superior Court, Atlantic County	L-6970-12	Active	No	None	See Endnote 3
10	Saison, Diane	NJ Superior Court, Atlantic County	L-6972-12	Active	No	None	See Endnote 3
11	Samuel, Gregory and Cheryl	NJ Superior Court, Atlantic County	L-8071-12	Active	No	None	See Endnote 3
12	Schulz, Theresa Gonce	NJ Superior Court, Atlantic County	L-3802-12	Active	No	Written discovery complete.	See Endnote 3
13	Silva, Asy K. o/b/o Jon D. Silva Mayorquin	NJ Superior Court, Atlantic County	L-1844-13	Active	No	None	See Endnote 3

PENDING TYLENOL ACTIONS

As of 5/15/2013

#	Case Name	Transferee Court	MDL Docket No	Status	Transferred to MDL	Discovery to Date	Pending Motions
14	Taylor, Estate of Linda Jean by David Taylor	NJ Superior Court, Atlantic County	L-8575-11	Active	No	Written discovery served on Plaintiffs; Responses received; fact witness discovery completed.	See Endnote 3
15	Ward, Melinda o/b/o Andrew Jones-Ward, A Minor	NJ Superior Court, Atlantic County	L-7770-11	Active	No	Written discovery served on Plaintiffs; Responses received; fact witness discovery on-going.	See Endnote 3

TEXAS STATE COURT ACTIONS

#	Case Name	Court	Docket Number	Status	Transferred to MDL	Discovery Taken to Date	Pending Motions
1	Tesfaghiorgis, Medhin o/b/o Sewita Tekle, Deceased; and Haile Tekle o/b/o Sewita Tekle, Deceased	District Court Harris County, Texas	2012-13969	Active	No	Fact Discovery On-Going	None

1 This case will remain in Pennsylvania state court because it involves a New Jersey Plaintiff and, thus, there is no diversity jurisdiction with the McNeil Defendants.

2 Cases in NJ State Court cannot be removed to Federal Court.

3 An Application for Centralized Management of Multicounty Litigation for Centralized Management has been filed by McNeil. Plaintiffs' Response is due June 10, 2013.