

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: INCRETIN MIMETICS	}	Case No.13md2452 AJB (MDD)
PRODUCTS LIABILITY		
LITIGATION,		ORDER SETTING STATUS
		CONFERENCE

Pursuant to 28 U.S.C. § 1407, the Judicial Panel on Multidistrict Litigation has transferred to this court certain actions from multiple district courts involving one or more common questions of fact. These cases are joined and consolidated with *Scott v. Merck & Co., Inc.*, 12cv2549 AJB (MDD) for purposes of conducting coordinated and streamlined pretrial proceedings. (Doc. No. 1.)

For answers to many of the questions counsel may have, the Court hereby directs counsel to the United States Panel on Multidistrict Litigation website at www.jpml.uscourts.gov. This website provides general Multidistrict Litigation information and resources, as well as the Rules of Procedure governing the Judicial Panel on Multidistrict Litigation.

PLEASE TAKE NOTICE that on ***October 17, 2013 at 9:00 a.m. (Pacific Time Zone)***, in Courtroom 3B, this Court will be conducting a Status Conference in this multidistrict litigation (MDL) case. At the Status Conference, the Court will discuss with counsel the status of these cases in addition to the following issues:

1 A. The appointment of lead, liaison, or coordinating counsel for the plaintiffs
2 and the various defendants, respectively, to aid the Court in communicating with the
3 parties and facilitating management of this case. In this regard:

4 (1) Counsel for each Plaintiff should immediately confer to discuss the selec-
5 tion of a plaintiffs' steering committee (PSC) and lead or liaison counsel. If
6 an agreement can be reached, plaintiffs' counsel must submit a list of the
7 selected lead, liaison or coordinating counsel and the PSC members no later
8 than **October 7, 2013**. Alternatively, if an agreement cannot be reached, the
9 Court will determine a process and set time line for selection of the PSC and
10 lead or liaison counsel at the Status Conference.

11 (2) Each defendant must designate a single law firm and lead counsel with that
12 firm representing the defendant's interests in the MDL as part of. These lead
13 counsel will then become the defendants' steering committee (DSC). Each
14 defendant must submit a designation of the selected firm and lead counsel,
15 no later than **October 7, 2013**.

16 (3) The duties and responsibilities of the steering committees will be set by the
17 Court in a future order.

18 B. Whether a master consolidated complaint and/or the designation of "bell
19 weather" cases relative to the various alleged defective products will help facilitate or
20 focus this case for dispositive motions and/or for trial.

21 C. Counsels' plans for future dispositive motions and/or *Daubert* motions.

22 D. A plan to address the preservation of the testimony of plaintiffs, or any
23 witnesses, who are gravely ill.

24 In the interim, the Court orders as follows:

25 1. Counsel for defendants are to prepare and file a joint list of all related cases
26 pending in state or federal court that have not yet joined this multidistrict litigation
27 matter and, to the extent known, their respective status. This list must be submitted no
28 later than **October 7, 2013**. Counsel for the defendants are also ordered to notify

1 plaintiffs counsel in the cases not joined of this pending Status Conference, and must do
2 so forthwith.

3 2. If any party wishes to submit proposed agenda item(s) for the October 17,
4 2013 Status Conference, they must do so by filing the proposed agenda items in the
5 above-referenced case no later than **October 7, 2013**. The list of proposed agenda items
6 must not exceed two pages, without attachments, and must consist of bullet point items,
7 without argument or legal analysis, reasoning or justification.

8 3. All attorneys of record for the parties who appeared in the transferor court
9 prior to transfer to this MDL need not enter an additional appearance before this Court.
10 Moreover, all attorneys admitted to practice, who are in good standing of any United
11 States District Court, are hereby admitted to practice in this litigation pursuant to Rule
12 1.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation. Associa-
13 tion of local counsel is not required. All counsel are expected to familiarize themselves
14 with prior court orders and proceedings in this Court, as well as the Local Rules of the
15 Southern District of California.

16 4. All the parties will comply with the Electronic Case Filing (ECF) Adminis-
17 trative Policies and Procedures Manual for the Southern District of California for all
18 documents submitted for filing before this Court. Service through ECF shall be deemed
19 sufficient with no additional service required.

20 5. All orders previously entered by Judge Dembin will remain in effect until
21 further notice.


22 6. On or before **October 7, 2013**, all counsel are ordered to file a joint status
23 report with regard to the status of current discovery and a brief description of any
24 disputes pending. The joint status report and description of any disputes pending is
25 limited to five pages, without attachments, and must not contain argument or legal
26 analysis, reasoning, or justification.

27 7. Counsel are invited to appear at this Status Conference in person or by
28 telephone. The parties and party representatives are not ordered to participate. If

1 counsel wish to participate by telephone, they are directed to confer with other counsel
2 of record and create an agreed upon plan to set up a conference call to accommodate all
3 interested counsel and circulate that plan among all known counsel. This plan and a list
4 of all counsel participating by telephone must be submitted to the Court no later than
5 ***October 7, 2013.***

6 IT IS SO ORDERED.

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8 DATED: September 11, 2013

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10 Hon. Anthony J. Battaglia
11 U.S. District Judge
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