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September 13, 2013

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AT 8:30
WILLIAM T. WALSH M
CLERK

VIA ELECTRONIC MAIL

The Honorable Tonianne J. Bongiovanni
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

13-2418 (FLW)

Re: *In Re: Plavix Prod. Liab. & Mktg. Litig.*, MDL No. 2418 -- Discovery Protocol

Dear Judge Bongiovanni:

We write on behalf of Defendants Bristol-Myers Squibb Company, Sanofi-Aventis U.S., L.L.C., Sanofi-Aventis, U.S., Inc., and Sanofi-Synthelabo, Inc. (collectively, "Defendants") to request a status conference on discovery matters.

At both the initial MDL organizational conference held on July 12, 2013, and the August 21, 2013, argument before Judge Wolfson on certain pending motions, there was discussion of when to schedule the next status conference before Your Honor to address discovery matters. We believe that the time is now ripe for such a conference.

First, since the July conference, cases involving more than 400 plaintiffs have been transferred to the MDL in which federal jurisdiction is not contested. As a result, there is now a critical mass of MDL cases in which discovery will proceed irrespective of the outcome of the remand motions pending in the California cases which were discussed with the Court in July.

In addition, a conference would be particularly useful now so that we can seek the Court's guidance on the establishment of an appropriate discovery protocol to govern the collection and production of Defendants' documents in this litigation. At the July conference, the Parties advised the Court that they were working towards a protocol for a single, coordinated document production that would apply to all Plavix cases nationwide. This would include not only MDL cases, but products liability and sales and marketing cases pending in state courts around the country. Having such a single protocol covering

ARNOLD & PORTER LLP

September 13, 2013
Page 2

the litigation as a whole would avoid the very type of duplication of efforts and potentially inconsistent rulings that an MDL is designed to guard against.

Although the Parties have worked hard towards an agreement, they have so far been unable to overcome their differences. Absent such an agreement, Defendants believe the result will be inconsistent production regimes and obligations in different courts around the country. We wish to avoid that result if possible.

Defendants recall Your Honor's offer at the July 12 conference to help address issues surrounding the document protocol. We respectfully suggest that, if the Court were able to schedule an in-person conference in the near future, it would be of great assistance. We would be pleased to provide the Court with further information concerning the Parties' specific proposals and discussions to date in advance of any conference.

Thank you for Your Honor's consideration of this matter.

Respectfully Submitted,

Daniel Pariser /mon

Daniel Pariser

cc: Anand Agneshwar, Esq.
David Harris, Esq.
Monica Watson, Esq.
Robert Salim, Esq. (Plaintiffs' Interim Liaison Counsel)
Jerry Parker, Esq.
Daniel Burke, Esq.

*An in person Conference
shall be held on Sept 30, 2013
at 2PM. Scheduling
Proposals are to be submitted
by Sept 26, 2013. The parties
are to meet & confer in effort
to present a joint proposal.*

So Ordered this 16 day
of September, 2013

[Signature]