

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

**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

Defendants McNEIL-PPC, Inc. and Johnson & Johnson (“McNeil”);¹ L. Perrigo Company (“Perrigo”); Novartis Consumer Health, Inc. (“Novartis”) and the PSC respectfully submit this joint Agenda in preparation for the Case Management Conference scheduled for December 17, 2013 (“CMC”).

The parties requested a dial-in for those attorneys who do not intend to be present at the Conference but would like the opportunity to hear the Conference. Accordingly, based on permission from the Court, the PSC set up the following dial in for the Conference:

**USA Toll-Free: (888) 285-4585
HOST CODE: 272100 (COURT)
PARTICIPANT CODE: 169008**

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.

1. **NEW JERSEY AND MDL MOTIONS FOR PROTECTIVE ORDERS**

- A. **Defendants' Motion for Protective Order Regarding Confidential Study data –**
- B. **Defendants' Motion for Protective Order regarding Recall-Related Information, Government Investigation, Prescription Products and Non-Party Entity –**

Pursuant to the Court's request, the parties will be prepared to argue these motions.

2. **REQUEST FOR ADMISSIONS MOTION**

Pursuant to the Court's request, the parties will be prepared to argue this motion.

3. **NOTIFICATION OF DEPOSITION SCHEDULE**

1. Robert Havard – taken on October 31, 2013
2. Ed Nelson – taken November 21, 2013
3. Patricia Gussin – taken on December 12, 2013
4. Tom Mrazik – proposed by Defendants for January 16, 2014
5. Anthony Temple – proposed by Defendants for January 17, 2014
6. Kenneth Kwong – proposed by Defendants for January 25, 2014
7. Ed Kuffner – proposed by Defendants for January 30, 2014
8. Steven Silber – scheduled for February 4, 2014
9. Ashley McEvoy – scheduled for February 6, 2014
10. Ron Schmid – scheduled for February 13, 2014
11. Sandra Schoenwald – proposed by Defendants for February 10, 11, 17 or 18, 2014
12. Anthony Vernon – to be determined; Plaintiffs have obtained from the New Jersey Court a commission (similar to a letter rogatory) to issue a subpoena to depose Anthony Vernon, a former employee of McNeil. Mr. Vernon's attorney has been slow to provide dates so the PSC intends to serve a federal subpoena upon Mr. Vernon
13. Colleen Goggins – no date yet provided

14. Corporate Designee on Marketing, Public Relations etc. – no corporate witness has been identified yet and no date or dates have been provided yet. The parties are scheduled to meet and confer regarding the notice next week;
15. Corporate Designee on Attempts to Fix Tylenol– no corporate witness has been identified yet and no date or dates have been provided yet. The parties are scheduled to meet and confer regarding the notice next week.

4. **COORDINATION BETWEEN MDL AND NEW JERSEY TYLENOL ACTIONS**

A. **Defendants' Position:**

Consistent with the issues that Defendants raised at the last Case Management Conference, Defendants wish to discuss with the Court continuing issues relating to the application of CMO 13 and 14 and coordination between these proceedings and state court proceeding.

Respectfully submitted this 13th day of December, 2013.

/s/ Christy Jones

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On behalf of the PSC

CERTIFICATE OF SERVICE

I hereby certify on this 13th day of December, 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 Jones

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