

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE: CHANTIX (VARENICLINE)
PRODUCTS LIABILITY
LITIGATION

Master File No.: 2:09-CV-2039-IPJ
MDL No. 2092

This Document Relates To:

ALL CASES

**ORDER RECOMMENDING
TERMINATION OF MULTIDISTRICT
LITIGATION PROCEEDING TO
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

In October 2009, the Judicial Panel on Multidistrict Litigation (“JPML” or “the Panel”) assigned these proceedings to this Court. With the able assistance of counsel for the parties, the Court oversaw extensive discovery, including the production of over 22 million pages of documents, dozens of depositions, and voluminous written discovery. The Court coordinated the MDL proceedings with a related coordinated proceeding in New York state court to reduce costs and duplication of discovery and to promote the consistent determination of similar issues among these proceedings. The Court adjudicated a number of dispositive motions, including *Daubert* motions with respect to whether the use of Chantix can cause serious neuropsychiatric events and whether the current Chantix label is adequate as a matter of law. The parties selected dozens of individual product liability cases for a bellwether discovery pool, from which the Court selected a number of cases for bellwether trials in consultation with the parties.

In May 2013, Pfizer Inc. announced that it had settled, or entered into definitive agreements or agreements-in-principle to settle, virtually all of the known Chantix claims in the U.S. After approximately five years of litigation, the Court now has dismissed all the plaintiffs from these proceedings.

Accordingly, the Court hereby **ORDERS** as follows:

1. The Court **TERMINATES** the preservation obligations imposed on Pfizer in Pretrial Order No. 4: Discovery Plan (Doc. No. 25) ("PTO 4"), including paragraph III.D thereof and in Exhibit 6 to PTO 4 (Doc. No. 31-6), paragraph 4.

2. Plaintiffs Leadership (Plaintiffs Lead Counsel, Plaintiffs Liaison Counsel, and each member of the Plaintiffs Executive Committee and Plaintiffs Steering Committee) are relieved of any further duties and responsibilities including, specifically, those set forth in Pretrial Order No. 1.

3. Pursuant to paragraph 38 of Pretrial Order No. 3: Protective Order (Doc. No. 24), the provisions of the protective order issued in this litigation **SHALL** remain in effect after the termination of these proceedings.

4. A number of plaintiffs whose claims were resolved have not yet fulfilled their statutory obligations to the Centers for Medicare and Medicaid Services ("CMS"), and/or otherwise have yet to complete their performance of their settlement obligations, although those plaintiffs' claims have been dismissed from the Court's docket. Other plaintiffs may in the future file claims relating to the subject matters of this litigation. Nonetheless, the Court does not anticipate any substantial future activity in this

litigation. Accordingly, the Court **RECOMMENDS** to the JPML that the JPML terminate this multidistrict litigation proceeding at this time.

5. Should the JPML accept this Court's recommendation to terminate the multidistrict litigation proceeding, the Clerk of this Court **SHALL** close the MDL No. 2092 master file (2:09-CV-2039-IPJ) without further order of this Court.

6. Should the JPML accept this Court's recommendation to terminate the multidistrict litigation proceeding, and any party subsequently files in (or removes to) a United States District Court any new claims related to this proceeding, the Court recognizes that any request to transfer such an action would be directed to the JPML. If such a request is made, however, this Court would welcome the transfer of any such action to this Court for further proceedings, given the Court's experience with these claims.

7. Should any party to these proceedings require this Court's assistance with respect to plaintiffs' statutory obligations to CMS and/or other settlement obligations in cases that were before this Court, then the litigants may move this Court to re-open this proceeding for the purpose of adjudicating any such issues.

DONE and **ORDERED** this the 6th day of October, 2014.



INGE PRYTZ JOHNSON
SENIOR U.S. DISTRICT JUDGE