

**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**

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)  
) **Case 2:13-md-02436-LS**

)  
) **MDL No. 2436**

)  
) **JUDGE LAWRENCE F. STENGEL**

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) **This Document Relates to: ALL CASES**

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**JOINT PROPOSED AGENDA AND STATUS REPORT  
(November 20, 2014 Case Management Conference)**

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Defendants McNEIL-PPC, Inc. and Johnson & Johnson (“McNeil”);<sup>1</sup> L. Perrigo Company (“Perrigo”); Novartis Consumer Health, Inc. (“Novartis”) and the PSC respectfully submit this joint Agenda and status report pursuant to CMO 11(b) in preparation for the Case Management Conference scheduled for November 20, 2014 (“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) 622-5357  
HOST CODE: 140911  
PARTICIPANT CODE: 977156**

The Agenda and Status Report appropriately includes consideration of the following items:

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<sup>1</sup>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. UPDATE ON NEW JERSEY TYLENOL LITIGATION**

*See* Report of New Jersey federal-state liaison counsel which will be filed separately.

**2. UPDATE ON BELLWETHER DISCOVERY**

“*Core case-specific*” discovery in the six (6) cases in the “*Eligible Trial Pool*” is nearly complete and the parties are on schedule to notify the Court by December 1, 2014 of their one (1) designated case from the *Eligible Trial Pool* as a candidate to be the first bellwether trial in this MDL pursuant CMO-15 as amended by CMO-15a and as revised by the Court’s Order dated July 23, 2014 (Docket No. 161). Defendants Johnson & Johnson and McNeil anticipate a request for a brief delay in nominating bellwether cases due to the potential need to complete additional physician depositions and possible motion practice in advance of selection. Defendants will be prepared to report and discuss any revisions to CMO-15 that may be necessitated.

**3. TUTORIAL**

The parties will be prepared to present the Tutorial requested by the Court.

Respectfully submitted this 14th day of November, 2014,

/s/ Michael M. Weinkowitz

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*On behalf of the PSC*

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**CERTIFICATE OF SERVICE**

I hereby certify on the above Joint Agenda and Status report was filed this November 17, 2014 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/ Michael M. Weinkowitz

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