

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

**IN RE: TESTOSTERONE REPLACEMENT  
THERAPY PRODUCTS LIABILITY  
LITIGATION**

**Case No. 1:14-CV-01748  
MDL 2545**

**JUDGE MATTHEW F. KENNELLY**

**This document relates to: ALL ACTIONS.**

**CASE MANAGEMENT ORDER NO. 19-D**

**(Case Management Plan as to the Actavis defendants)**

This Case Management Order will supplement the discovery and other pretrial timelines for defendant Actavis, Inc.; Actavis Pharma Inc.; Anda, Inc.; and Actavis Laboratories UT, Inc. (f/k/a Watson Laboratories, Inc., a Delaware corporation) (collectively "Actavis") in this MDL. The dates and deadlines established in this Order may be altered with a showing of good cause.

**I. DISCOVERY SCHEDULE**

A. The parties have been working cooperatively and diligently to comply with the deadlines set forth in Section I.A of CMO 19 (Dkt. No. 523).

B. The parties will continue their efforts to move forward with discovery against Actavis, including document productions, depositions, and custodial file requests and reviews.

C. The dates and deadlines in Section I.A.7 (Non-Expert Fact Discovery) set forth in Section I.A of CMO 19 (Dkt. No. 523) are hereby extended as against defendant Actavis.

D. Plaintiffs will continue to serve a Plaintiff Fact Sheet ("PFS") and duly executed authorizations for the release of relevant medical records in accordance with CMO 9. Further,

Actavis reserves all rights to challenge deficiencies in any PFS under the parameters set forth in CMO 9.

**II. BELLWETHER SELECTION PROCESS**

A. On or before March 15, 2017, the parties shall meet and confer to discuss bellwether issues. On or before April 12, 2017, the parties shall submit a joint status report and pretrial plan that addresses bellwether issues and related discovery and trials, as appropriate, or submit simultaneous briefing outlining any differences between the parties regarding bellwether issues.

B. Any bellwether plan agreed to by the parties should be modeled off of the format for bellwether plans and management adopted by this Court in CMO 14 and CMO 19-C.

C. In any bellwether plan for Actavis only cases that is submitted to the Court for approval on or before April 12, 2017, or anytime thereafter, pursuant to the agreement of the parties:

- (1) There will be no more than 14 cases selected for the initial bellwether pool, and each side will select no more than 7 cases for the pool;
- (2) Cases naming any defendant other than Actavis shall not be eligible for the pool;
- (3) Only cases filed on or before January 13, 2017, and for which a Plaintiff's Fact Sheet has been completed and served on or before February 3, 2017, shall be eligible for the pool;
- (4) Any core bellwether discovery period will be no less than seven (7) months; and
- (5) There shall be between two and four cases designated for bellwether trials.

IT IS SO ORDERED.

DATED: 8/14/2016

  
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MATTHEW F. KENNELLY  
UNITED STATES DISTRICT JUDGE