

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE: ZOFRAN (ONDANSETRON)
PRODUCTS LIABILITY LITIGATION,**

MDL No. 1:15-md-2657-FDS

This Document Relates To:

All Cases

MDL Order No. 18
November 10, 2016

GENERAL ORDER CONCERNING DISCOVERY

SAYLOR, J.

This order sets forth general provisions concerning the taking of discovery in this MDL proceeding. The order shall apply to all cases in this MDL proceeding, and may be revised or supplemented from time to time.

- 1. Pre-Transfer Discovery Orders.** Any order entered in a transferor court prior to transfer to this MDL proceeding is vacated to the extent it concerns scheduling or discovery.
- 2. Pre-Transfer Discovery Requests.** Any request for discovery served in a case prior to transfer to this MDL proceeding is deemed withdrawn.
- 3. Initial Disclosure Obligations.** The parties are relieved from complying with the initial disclosure requirements of Fed. R. Civ. P. 26(a)(1) and Local Rule 26.2(a).
- 4. Discovery Event Limitations.** The discovery event limitations of Local Rule 26.1(c) shall not apply to this MDL proceeding. The Court will issue such further

orders as may be necessary or appropriate to ensure that discovery is proportionate to the needs of the case and not unduly burdensome or oppressive.

5. **Coordination with State Litigation.** The parties shall endeavor to coordinate discovery with any related state-court litigation to the greatest extent possible.
6. **Role of Plaintiffs' Lead Counsel.** All discovery from defendants shall be taken or requested by Plaintiffs' Lead Counsel ("PLC") or their designee on behalf of all plaintiffs in the MDL. An individual plaintiff's counsel may suggest discovery to the PLC, but may not conduct discovery independently without leave of court.
7. **Protective Order.** All discovery in this MDL proceeding is subject to the terms of the Protective Order Governing Confidential and Privileged Materials (MDL Order No. 13), dated May 18, 2016, as amended or supplemented from time to time.
8. **Meet and Confer Concerning Records Collection and Cost-Sharing.** The parties shall meet and confer concerning the use of a third-party vendor for the collection of records and the maintaining of a depository or database for access to and review of those records, as well as the handling of any associated costs or expenses. If necessary or appropriate, the parties may propose an order for the Court's consideration governing any such issue.
9. **Meet and Confer Concerning Deposition Protocols.** The parties shall meet and confer concerning the need for protocols for the taking of depositions. If necessary or appropriate, the parties may propose an order for the Court's consideration governing any such issue.
10. **Discovery Disputes.** Discovery disputes shall be handled, pending further court

order, in accordance with Local Rule 37.1.

So Ordered.

Dated: November 10, 2016

/s/ F. Dennis Saylor IV
F. Dennis Saylor IV
United States District Judge