

4. Multi-plaintiff complaints may not be filed in this MDL proceeding. All complaints shall involve only one plaintiff and derivative claims, if applicable.

5. All multi-plaintiff complaints that have been transferred to this Court as of the date of this Order shall be severed into individual cases to be further papered as directed by the Clerk's Office. The exception to this severance shall be multi-plaintiff complaints in which remand motions have been or will be filed in accordance with ¶ 10(a) of this Order.

6. Plaintiffs may file complaints directly with this Court. The parties shall meet and confer as to whether a Direct Filing Order is necessary and, if so, the content and form of that Order.

7. Plaintiffs shall meet and confer with Defendants regarding the form of a Short Form Complaint. Defendants shall meet and confer with Plaintiffs regarding the form of a Short Form Answer. Plaintiffs shall file and serve a Master Complaint and Short Form Complaints within 30 days from the appointment of lead counsel. Defendants shall file a Master Answer and Short Form Answers 30 days from the date of service.

8. The parties shall meet and confer as to the information to be contained in Plaintiff Fact Sheets and the categories of disclosures Plaintiffs desire to request from Defendants as soon as reasonably possible after the appointment of lead counsel.

9. Plaintiffs will review the Protective Order and ESI Protocol entered by the Court in the *Chakalos* case and notify the Court as to their position on whether either and/or both of these Orders should be adopted in this MDL proceeding as soon as reasonably possible after the appointment of lead counsel.

10. All motions pending in cases that have been transferred into this MDL proceeding as of the date of this Order are hereby administratively terminated, without prejudice to being re-filed before this Court.

- a. **Motions to Remand:** In *Dysart, et al. v. Johnson & Johnson, Inc., et al.*, a motion to remand for lack of subject matter jurisdiction may be filed on or before December 1, 2016. A response is due on December 15, 2016, and a reply brief is due on December 22, 2016. All other motions to remand may be filed on or before December 23, 2016. Responses are due on January 6, 2017, and reply briefs are due January 13, 2017.
- b. **Motions to Dismiss:** Motions to dismiss may be filed on or before December 23, 2016. Responses are due on January 23, 2017, and reply briefs are due February 6, 2017.
- c. This provision is not intended to render untimely the filing of any previously asserted motion. For timing purposes only, any terminated motion that is re-filed in accordance with this Order shall be deemed to have been filed on the date originally lodged.

11. All motions pending in cases transferred into this MDL proceeding in the future shall be administratively terminated on the date the case is docketed before this Court. Any such motions, however, may be re-filed within thirty (30) days of that termination date. Responses shall be due thirty (30) days after the re-filing of the motion, and reply briefs will be due fifteen (15) days after the response is filed. This provision is not intended to render untimely the filing of any previously asserted motion. For timing purposes only, any terminated motion that is re-filed in accordance with this Order shall be deemed to have been filed on the date originally lodged.

12. Plaintiffs in the *Marchetti* case may file a motion to issue to the Judicial Panel on Multidistrict Litigation a Suggestion of Remand to the transferor court. If such a motion is filed, the parties shall confer as to a briefing schedule.

13. The parties shall meet and confer on a protocol for *in extremis* depositions and propose to the Court a pretrial order setting out a procedure for *in extremis* depositions as soon as reasonably possible after the appointment of lead counsel.

Dated: December 6, 2016

/s/ Freda L. Wolfson
Hon. Freda L. Wolfson, U.S.D.J.