

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

MDL NO. 16-2738 (FLW) (LHG)

**ORDER APPOINTING LEAD COUNSEL
AND PLAINTIFFS' STEERING
COMMITTEE**

THIS MATTER having been opened to the Court by Plaintiffs' counsel on an application to appoint lead counsel and a Plaintiffs' steering committee with respect to personal injury actions filed in this Multidistrict Litigation; it appearing that the Court held an Organizational Conference on November 17, 2016, wherein the Court directed all interested counsel, who represent any of the plaintiffs in this consolidated matter, to submit applications for appointment of lead counsel and Plaintiffs' steering committee by November 21, 2016; it appearing that the Court also directed that any response to those applications be filed by December 2, 2016; it appearing that other than a joint application for appointment of Plaintiffs' steering committee filed by Ms. P. Leigh O'Dell, Esq. and Ms. Michelle A. Parfitt, Esq., on behalf of various other attorneys, only one attorney, Richard L. Root, Esq., filed a separate application for appointment to serve on Plaintiffs' steering committee; it appearing that while Defendants Johnson & Johnson, Johnson & Johnson Consumer, Inc., and Imerys Talc America, Inc. (collectively "Defendants"), have not objected to the applications, Defendants have raised issues regarding, *inter alia*, scope of discovery¹, third-party

¹ Defendants maintain that extensive discovery has already taken place in similar pending state and federal litigations. While the Court makes no comment on the breadth of discovery needed in this MDL litigation, the Court notes, however, numerous civil actions have been filed, and continue to be filed, in other jurisdictions, by counsel appearing in this MDL matter, against Defendants for similar personal injury claims; indeed, some of those cases have proceeded to trial. Therefore, the parties have previously exchanged substantial discovery in those cases that may be relevant here.

litigation finance and appointment of a state court case liaison; it appearing that the Court finds that appointing a state court liaison is appropriate for coordination purposes in light of numerous pending state court litigations that involve similar liability and damages issues; it further appearing that any scope of discovery or funding concerns are not ripe at this time, and thus, the Court shall reserve decisions on those issues until the appropriate time when they are properly presented to the Court; it appearing that the Court having considered counsel's applications and their qualifications,

IT IS on this 6th day of December, 2016,

The Court appoints the following²:

I. ORGANIZATION OF PLAINTIFFS' COUNSEL

A. Plaintiffs' Co- Lead Counsel

The Court designates the following to serve as Plaintiffs' Co-Lead Counsel:

P. Leigh O'Dell
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² Although the Court approves the leadership organization of Plaintiffs' counsel as requested, the Court advises counsel that this decision is made based upon the representations that the participating attorneys are not only qualified to serve in these roles, but that, these appointments are necessary to promote, *inter alia*, efficiency. In that regard, should any inefficiencies based upon this structure, be brought to the attention of the Court, the parties are well advised that this Court reserves the right to amend the structure of the committees during the pendency of these MDL proceedings.

B. Plaintiffs' Liaison Counsel

The Court designates the following to serve as Plaintiffs' Liaison Counsel:

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C. Plaintiffs' Executive Committee

The Court designates the following to serve as the Plaintiffs' Executive Committee:

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D. Plaintiffs' Steering Committee

The Court designates the following to serve on the Plaintiffs' Steering Committee:

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³ Steering Committee members shall confer and designate Mr. Root to the appropriate subcommittee(s).

IT IS FURTHER ORDERED that Plaintiffs' Steering Committee shall designate a state court litigation liaison.

SO ORDERED

/s/ Freda L. Wolfson
HON. FREDA L. WOLFSON