

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
IN RE: :

MIRENA IUS LEVONORGESTREL-RELATED
PRODUCTS LIABILITY LITIGATION (NO. II) :

This Document Relates to All Actions :
----- X

17-MD-2767 (PAE)

17-MC-2767 (PAE)

ORDER NO. 1

PAUL A. ENGELMAYER, District Judge:

Pursuant to the April 6, 2017 Order of the Judicial Panel on Multidistrict Litigation (“JPML”), *In re: Mirena IUS Levonorgestrel-Related Products Liability Litigation (No. II)*, 17-MD-2767, has been assigned to this Court for coordinated or consolidated pretrial proceedings. 17-MD-2767, Dkt. 1.

It appearing that the civil actions listed on Schedule A, attached hereto (which were transferred to this Court by the April 6, 2017 Order of the JPML, *see* Dkt. 1) and on Schedule CTO-1, attached hereto (which were transferred to this Court by the April 17, 2017 Order of the JPML, *see* Dkt. 2) merit special attention as complex litigation, it is hereby ORDERED that:

I. APPLICABILITY OF THIS ORDER

The provisions of this Order shall govern the practice and procedure in those actions: (1) transferred to this Court by the JPML pursuant to its April 6, 2017 Order; (2) all related actions against defendant Bayer HealthCare Pharmaceuticals Inc. (BHCP), Bayer Oy, and Bayer Pharma AG (together, “Bayer”) that are filed in the Southern District of New York and have been or will be transferred to MDL-2767 involving allegations of intracranial hypertension injuries caused by the hormonal component of the Mirena IUD contraception system; and (3) any “tag-along” actions later filed in, removed to, or transferred to this Court. The Clerk will docket a copy of this Order on the docket of any case newly filed or transferred to this Court.

II. CONSOLIDATION

The civil actions listed on Schedule A and CTO-1 are consolidated for pretrial purposes. Any “tag-along” actions later removed to or transferred to this Court, or directly filed in the Southern District of New York, will automatically be consolidated with this action without the necessity of future motions or orders. This consolidation, however, does not constitute a determination that the actions should be consolidated for trial, nor does it have the effect of making any entity a party to any action in which he, she, or it has not been named, served, or added in accordance with the Federal Rules of Civil Procedure.

III. CAPTION

All orders, pleadings, motions, and other documents served or filed in 16-MD-2767 shall bear the following caption:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
IN RE: :

MIRENA IUS LEVONORGESTREL-RELATED :
PRODUCTS LIABILITY LITIGATION (NO. II) :

17-MD-2767 (PAE)

*This Document Relates To [“All Actions” or specify by
title and case number the individual applicable case(s) if
the document relates to fewer than all of the consolidated
cases]* :
: X

IV. FILING AND SERVICE OF DOCUMENTS

All counsel are required to promptly register for and participate in this Court’s CM/ECF filing system. That system gives each counsel immediate access to all electronically filed documents and obviates the need to make personal service on the individual parties. Unless otherwise ordered, all documents shall be filed electronically via the Court’s CM/ECF system

and must be filed in accordance with the Southern District of New York's Local Rules, the Southern District of New York ECF Rules and Instructions, and this Court's Individual Rules and Practices for Civil Cases.

The Court will serve all orders through the ECF system. Upon their appointment, Plaintiffs' lead and/or liaison counsel shall be responsible for providing copies of any order, pleading, motion, letter, or other document to any party/counsel who does not receive service of the order through the ECF system.

In accord with Rule 2.1(c) of the Rules of Procedure of the JPML, all counsel appearing in any of the actions listed in Schedules A and CTO-1—or any tag-along case subsequently transferred—prior to the action's transfer to this district need not enter a notice of appearance or submit a *pro hac vice* application to practice before this Court, and need not obtain local counsel.

All counsel who did not appear in a related action prior to the Transfer Order are directed to enter a notice of appearance, and, if necessary, file a letter-motion for admission *pro hac vice*.¹ Notices of appearance and *pro hac vice* letter-motions should be filed on docket 17-MD-2767 and “spread” to all cases for which the attorney represents a party. As discussed *infra*, notices of appearance and *pro hac vice* letter-motions should not be filed on the master case file (17-MC-2767). Those counsel who are not a member of the Bar of this Court shall be deemed admitted *pro hac vice* upon the proper filings with the Clerk as provided by the Local Rules. An attorney need file only one *pro hac vice* letter-motion, even if he or she is the attorney of record for several individual plaintiffs or affiliated defendants.

¹ *Pro hac vice* motions in this MDL are to be filed by letter, to facilitate the Court's electronic review and approval.

All counsel are directed to apply for an ECF password, which can be obtained by visiting the Court's website at www.nysd.uscourts.gov and completing the on-line registration form.

For assistance with the ECF filing system, counsel should contact the Court's Help Desk, at (212) 805-0800.

V. MASTER CASE FILE

In the Court's view, a master case file limited to filings of significance to the MDL as a whole or a substantial number of member cases would be advantageous. Accordingly, the Clerk of Court is directed to open a master case file bearing docket number 17-MC-2767. Any filing fees associated with opening the master case file docket are waived. The caption shall read "In re: Mirena IUS Levonorgestrel-Related Products Liability Litigation (No. II), 17-MD-2767." For administrative purposes only, in 17-MC-2767, Plaintiffs shall be listed as "Mirena IUS MDL (No. II) Plaintiffs," and Defendants shall be listed as "Mirena IUS MDL (No. II) Defendants." There will be no appearances entered unless and until the Court orders otherwise.

The master case file will be limited to the Court's case management orders and other orders of significance and substantive filings by the parties that relate to all actions (*e.g.*, master pleadings, motion papers). It will not include *pro hac vice* motion papers, the Court's standing orders, conditional transfer orders, notices of appearance, and the like. Parties should file documents on the master case file (in addition to, not in lieu of, the MDL docket) **if but only if** they are (1) master pleadings that apply to most or all member cases; (2) substantive motions that apply to most or all member cases; or (3) documents which the Court has directed to be filed on the master case file. (If counsel is uncertain about whether to file something on the master case file, counsel should call Chambers to inquire). Papers filed inappropriately will be stricken from the docket. The Court will transfer any and all relevant documents filed in 17-MD-2767 to 17-MC-2767.

The Clerk of Court is directed to transfer Docket No. 1 (Transfer Order) and Docket No. 2 (the April 17, 2017 Conditional Transfer Order) from 17-MD-2767 to 17-MC-2767, to be followed by this Order (Order No. 1). This Order shall also be docketed in 17-MD-2767, and all matters consolidated therewith.

This Order and all subsequent entries docketed in 17-MC-2767 are to be docketed simultaneously in 17-MD-2767.

VI. INITIAL CONFERENCE

The Court (joined by the Hon. James L. Cott, the Magistrate Judge assigned to this MDL) will conduct an Initial Conference on **June 13, 2017, at 10 a.m., in Courtroom 318** at the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York. (Please note that this is *not* Judge Engelmayer's regular courtroom.) Counsel shall check in with the Courtroom Deputy at least 15 minutes in advance. Counsel should arrive at the Courthouse with sufficient time to go through security. Seats in the courtroom may not be reserved.

A. Familiarity with Annotated Manual for Complex Litigation and the Court's Individual Rules and Practices

Counsel are expected to familiarize themselves with (1) the *Manual for Complex Litigation, Fourth Edition* ("MCL Fourth"), available at <https://public.resource.org/scribd/8763868.pdf>; (2) the Local Rules for the Southern District of New York, available at <https://nysd.uscourts.gov/rules/rules.pdf>; and (3) this Court's Individual Rules and Practices for Civil Cases, available at <http://www.nysd.uscourts.gov/judge/Engelmayer>, in advance of the conference, and to be prepared to suggest procedures that will facilitate expeditious, economical, and just resolution of this litigation.

B. Personal Appearance Not Required

Each party represented by counsel shall appear at the initial conference through his or her attorney, who will have primary responsibility for the party's interest in this litigation. Should a party not represented by counsel appear in this MDL, that party must appear at future conferences in person, unless otherwise ordered. To minimize costs and facilitate a manageable conference, parties with similar interests may, to the extent practicable, agree to have an attending attorney represent their interests at the conference. A party will not, by so designating an attorney to represent his or her interests at the conference, be precluded from other representation during the litigation. Attendance at the conference will not waive objections to jurisdiction, venue, or service.

C. Agenda and Pretrial Schedule

Counsel for the parties shall confer in advance of this conference to discuss (1) a proposed agenda for the Initial Conference and (2) a proposed schedule for pretrial activities, including discovery and motions, in this MDL. The items listed in MCL 4th Sections 22.6, 22.61, 22.62, and 22.63 shall constitute a tentative agenda for the conference. Counsel shall jointly prepare, and counsel for Bayer shall send the Court, a single-spaced letter, not to exceed fifteen (15) pages, by the close of business **on June 5, 2017**, setting forth the parties' proposed agenda and views on each agenda item.

Without limiting the subjects to be addressed, the Court asks that counsels' joint letter address the following four subjects.

Discovery: The cases comprising the MDL are at different stages with respect to discovery. *See* Dkt. 1 ("Transfer Order"), at 3. The Court expects that Bayer shall prepare to make the discovery already taken available and usable in all cases consolidated in the MDL, and that counsels' joint letter will report on the means by which the efficient dissemination of this

discovery to plaintiffs' counsel can occur after the Initial Conference. The Court is also mindful that there appear to be significant areas of dispute as to the proper scope of discovery. *See id.* The Court asks counsel to identify the areas in which they anticipate discovery disputes and to briefly synopsise each dispute, and to address the sequence and manner in which these disputes can be most efficiently briefed and resolved.

Relationship to prior MDL: The Court asks counsel to address the relationship, if any, between this litigation and the MDL overseen by Judge Seibel, MDL 2434, involving claims of uterine perforation caused by the same product.

Substantive motions and case trajectory: The Court asks counsel to identify any non-discovery motions (*e.g.*, *Daubert* or summary judgment) that are anticipated, and to comment more broadly on the anticipated trajectory, timetable, and efficient sequencing of this litigation.

Trial-ready cases: The Court notes that two cases appear to be trial-ready and have not been centralized in this MDL. *See id.* at 3–4. The Court asks counsel to address the relationship, if any, between these cases and those consolidated in the MDL.

D. Temporary Plaintiffs' Counsel

As reviewed below, the Court presently intends to appoint lead and liaison counsel for plaintiffs in this litigation. (The Court expects that lead counsel for Bayer will be Goldman Ismail Tomaselli Brennan & Baum, which the Court understands to be Bayer's national coordinating counsel in this litigation. The Court directs Bayer, by letter due **May 12, 2017**, (1) to notify the Court if this is incorrect, and (2) to identify the individual lawyer who will be its lead counsel.) Solely to facilitate written submissions to the Court in advance of the initial pretrial conference, the Court hereby designates the following as *temporary* lead and liaison counsel for Plaintiffs ("Temporary Plaintiffs' Counsel"):

Lawrence L. Jones II, Esq.

Jones Ward PLC
312 S. Fourth Street
6th Floor
Louisville, KY 40206
Telephone: (502) 882-6000

This temporary designation is not a precursor of future appointments, but simply a means to initiate the appointment process and facilitate the Initial Conference.² All counsel should have a full opportunity to participate in the discussion and the status letters that the Court requests herein.

E. Appointment of Plaintiffs' Lead and Liaison Counsel, and of Committees

The Court presently intends to appoint lead counsel and liaison counsel for plaintiffs in this litigation. The duties of lead and liaison counsel are enumerated in the MCL Fourth Section 10.22. The Court is interested in counsels' views on (1) how lead counsel and liaison counsel should be structured—including whether a single set of lead counsel and liaison counsel should be appointed for all plaintiffs; and (2) the best process for selecting lead counsel and liaison counsel. The Court is also interested in counsels' views on the necessity and desirability, or not, of a plaintiffs' steering committee or other committees, including their size, scope, and composition, as discussed in the MCL 4th Section 10.221.

The Court values collegiality and consensus. Counsel for plaintiffs, to the extent they have not already done so, shall confer in advance of the conference and seek consensus on these matters. Plaintiffs' counsels' views on these matters are to be submitted to the Court by letter from Temporary Plaintiffs' Counsel, not to exceed 10 pages, due **May 19, 2017**. This letter is to be filed on the docket of the case. If defendants wish to be heard on these matters, defense counsel may file a letter in response, not to exceed five pages, due **May 26, 2017**.

¹ The designated temporary lead counsel is the counsel whom the Court understands to represent the plurality of plaintiffs in the consolidated cases.

Separately, the Court directs that Temporary Plaintiffs' Counsel submit a letter containing plaintiffs' recommendations as to these appointments. This letter is due **May 19, 2017**. **The letter containing plaintiffs' recommendations as to appointees shall not be filed with the Clerk of Court. The Court will arrange for its filing under seal.**

As to lead and liaison counsel, plaintiffs' letter is to submit three recommendations for each of these positions. The letter shall provide plaintiffs' recommendations for each position, along with each nominee's resume or curriculum vitae (not to exceed three page)—which should include educational background, licensing status, and a short list of relevant experience with similar cases—and certificates of good standing from the courts where the individuals are admitted to practice. To the extent that plaintiffs have reached consensus on one of the three recommendations for lead or liaison counsel, such consensus should be noted in plaintiffs' letter. As to potential committees, plaintiffs' letter is to submit recommendations for membership on such committee(s), noting any consensus that has been reached.

Any letters to be filed in these matters shall be filed in **both 16-MD-2767 and 16-MC-2767**.

F. Compensation and Time and Expense Records

Any counsel who anticipates seeking an award of attorneys' fees and reimbursement expenditures from the Court shall comply with the directives contained in the MCL Fourth Section 14.213 regarding the maintenance and filing of contemporaneous records reflecting the services performed and the expenses incurred.

VII. ADDITIONAL PRE-CONFERENCE SUBMISSIONS

A. Direct Filing of Cases

Counsel for Bayer shall advise the Court by letter, by **May 12, 2017**, not to exceed three pages, whether it will stipulate that it will not object, based on improper venue, to the filing

directly in the Southern District of New York of related cases that emanate from other districts and that would appropriately be included in this MDL, on the understanding that upon completion of all pretrial proceedings applicable to a case directly filed in this Court pursuant to this provision, this Court, pursuant to 28 U.S.C. § 1404(a), will transfer that case to a federal district court of proper venue, as defined in 28 U.S.C. § 1391, after considering the recommendations of the parties to that case. In any direct-filed case, plaintiff is to specify in the Complaint the District in which the case would otherwise have been filed. That District will be treated as the transferor District for the purposes of this case.

Bayer shall file this letter in **both 17-MD-2767 and 17-MC-2767**.

B. Status Letters

No later than **June 5, 2017**, plaintiffs (through Temporary Plaintiffs' Counsel) and defendants shall each submit to the Court a status letter (that is, one letter on behalf of all plaintiffs, and one letter on behalf of all defendants) setting forth the following information in separate paragraphs:

- (1) A brief statement of the nature of the action(s) and/or the principal defenses thereto, including any critical legal issues involved in the case(s);
- (2) A list of all existing deadlines, due dates, and/or cut-off dates;
- (3) A list and brief description of any outstanding motions;
- (4) A brief statement with respect to whether a single consolidated complaint (or multiple consolidated complaints) can or should be filed in this action;
- (5) A brief description of any discovery that has already taken place and of any discovery that is necessary for the parties to engage in meaningful settlement negotiations;
- (6) A list of all prior settlement discussions, including the date, the parties involved, and the approximate duration of such discussions, if any;
- (7) A brief statement with respect to whether court-ordered mediation would be useful and, if so, whether such mediation should be conducted by the assigned Magistrate Judge,

through the Court's mediation program, or by a privately retained mediator and when such mediation should be conducted;

(8) A list of all related cases pending in state or federal court, together with their current status, including discovery taken to date and pending motions, to the extent known;

(9) A list of all parents, subsidiaries, and companies affiliated with the corporate parties and of all counsel associated in the litigation to help the Court identify any problems of recusal or disqualification; and

(10) Any other information that the parties believe may assist the Court in advancing the case to settlement or trial, including, but not limited to, a description of any dispositive issue or novel issue raised by the case.

Each letter shall not exceed 10 pages (exclusive of the lists, which may be provided as attachments) and shall be filed as a letter on ECF. Counsel shall file the letters in **both 17-MD-2767 and 17-MC-2767**.

VIII. EXTENSION AND STAY

This Order vacates any case management or scheduling order issued by a federal court prior to the transfer of a case to MDL-2767. Moreover, all pending motions in the transferor courts are denied without prejudice, and, if later made, will be adjudicated under procedures set forth in this Order and subsequent orders issued by the Court. To the extent it has not already answered, Bayer is granted an extension of time for responding to Complaint(s) in cases comprising this MDL until a date set by the Court. Pending the Initial Conference and further orders of this Court, all outstanding discovery proceedings are stayed, and no further discovery requests shall be initiated.

IX. DISCOVERY

Pending the Initial Conference and further orders of the Court, all outstanding discovery proceedings are suspended, and no further discovery shall be initiated. This directive does not, however, (1) preclude the provision of voluntary discovery by any party; (2) preclude informal discovery regarding the identification and location of relevant documents and witnesses; (3)

preclude parties from stipulating to the conduct of a deposition that already has been scheduled; (4) prevent a party from voluntarily responding to an outstanding discovery request under Federal Rules of Civil Procedure 33, 34, or 36; or (5) authorize a party to suspend its efforts in gathering information needed to respond to an existing request under Federal Rules of Civil Procedure 33, 34, or 36.

All parties and their counsel are reminded of their duty to preserve evidence that may be relevant to this action. The duty extends to documents, data, and tangible things in the possession, custody, and control of parties to this action, and any employees, agents, contractors, carriers, bailees, or other nonparties who possess materials reasonably anticipated to be subject to discovery in this action. "Documents, data, and tangible things" is to be interpreted broadly to include writings, records, files, correspondence, reports, memoranda, calendars, diaries, minutes, electronic messages, voice mail, e-mail, telephone message records or logs, computer and network activity logs, hard drives, backup data, removable computer storage media such as tapes, discs and cards, printouts, document image files, Web pages, databases, spreadsheets, software, books, ledgers, journals, orders, invoices, bills, vouchers, checks, statements, worksheets, summaries, compilations, computations, charts, diagrams, graphic presentations, drawings, films, charts, digital or chemical process photographs, video, phonographic, tape or digital recordings or transcripts thereof, drafts, jottings and notes, studies or drafts of studies, or other similar such material. Information that serves to identify, locate, or link such material, such as file inventories, file folders, indices, and metadata, is also included in this definition. Until the parties reach an agreement on a preservation plan or the Court orders otherwise, each party shall take reasonable steps to preserve all documents, data and tangible things containing information potentially relevant to the subject matter of this litigation. Counsel are under an

obligation to the Court to exercise all reasonable efforts to identify and notify parties and nonparties, including employees of corporate or institutional parties, of this directive.

X. MOTIONS

No motion shall be filed under Rule 11, Rule 37, or Rule 56 without the Court's approval. To obtain such approval, the movant shall file a letter-motion on ECF seeking a pre-motion conference with the Court.

No motion (other than under Rule 12) shall be filed unless it includes a certification that the movant has conferred with opposing parties and made a good faith effort to resolve the matter without court action.

XI. SUMMARY OF DEADLINES

| Deadline | Submission | Party or Parties | Maximum Length |
|-----------------|--|--|-----------------------|
| May 12, 2017 | Letter regarding direct filing of cases and the identification of Lead Defense Counsel | Defendants' Counsel | Three pages |
| May 19, 2017 | Two letters regarding Lead and Liaison Counsel appointment | Temporary Plaintiffs' Counsel | 10 pages each |
| May 26, 2017 | Optional letter responding to Plaintiffs' letter regarding Lead and Liaison Counsel appointment | Defendants' Counsel | Five pages |
| June 5, 2017 | Status letters providing requested information | Temporary Plaintiffs' Counsel and Defendants' Counsel (separately) | 10 pages |
| June 5, 2017 | Joint letter setting forth a proposed initial conference agenda and schedule for pretrial activities | Temporary Plaintiffs' Counsel and Defendants' Counsel (jointly) | 15 pages |

As noted above, all of those submissions shall be filed in **both 17-MD-2767 and 16-MC-2767**, except that Temporary Plaintiffs' Counsel's letter regarding recommendations as to appointees is not to be filed with the Clerk of Court, but is to be submitted to the Court's chambers.


XII. SERVICE OF THIS ORDER

As of today's date, all actions listed on Schedules A and CTO-1 have been transferred to this Court. As noted, to the extent that additional actions are filed or transferred to this Court, the Clerk is directed to docket a copy of this Order on the docket of the underlying case.

XIII. XVI. FURTHER AMENDMENT

Matters addressed in this order may be reconsidered, upon the motion of any party or on this Court's own motion.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: April 25, 2017
New York, New York

**IN RE: MIRENA IUS LEVONORGESTREL-RELATED
PRODUCTS LIABILITY LITIGATION (NO. II)**

MDL No. 2767

SCHEDULE A

Northern District of Alabama

BRIDGES, ET AL. v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:14-00036

Eastern District of California

PATTERSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 1:14-01087

Northern District of California

JACKSON v. BAYER CORPORATION, ET AL., C.A. No. 3:16-06091

Central District of Illinois

THOMPSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 1:15-01117

Northern District of Indiana

CHEEK, ET AL. v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:15-00020

Western District of Kentucky

SMITH v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:14-00006

HARDWICK v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:14-00082

WASHINGTON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-00827

VINCENT v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 4:16-00126

BABICH-ZACHARIAS v. BAYER HEALTHCARE PHARMACEUTICALS, INC.,
ET AL., C.A. No. 5:14-00101

- A2-

Middle District of Louisiana

MITCHELL v. BAYER HEALTHCARE PHARMACEUTICALS, INC., AL.,
C.A. No. 3:16-00816

District of Minnesota

MITLYNG v. BAYER PHARMA AG, ET AL., C.A. No. 0:16-03492
BOURGOIN, ET AL. v. BAYER HEALTHCARE PHARMACEUTICALS, INC.,
ET AL., C.A. No. 0:16-03494

Northern District of Mississippi

HOSKIN v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:16-00231
HOLMES v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 4:16-00203

Southern District of Mississippi

TALLEY v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 1:16-00447

District of New Jersey

HAUSNER, ET AL. v. BAYER HEALTHCARE PHARMACEUTICALS, INC.,
ET AL., C.A. No. 2:14-03834
COOPER v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:14-04651
ROSELAND, ET AL. v. BAYER PHARMA AG, ET AL., C.A. No. 2:15-02480
SIMPSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:15-06072
MILES, ET AL. v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:15-07944
GUGLIELMO v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:15-07999
ROBINSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:15-08576
BLACK v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-00054
DUDLEY v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-00056

- A3-

RIEGEL-GREEN v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-00057
GOYENA v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-00301
HOFFMAN v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-00392
PALLANSCH v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-00393
GRECO v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-00795
SOLOMON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-01004
HOUCK v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-01418
ALLEN v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-01644
SANTIAGO v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-01645
HOWE v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-01696
MCCANDLESS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-01773
KLOPFENSTEIN, ET AL. v. BAYER HEALTHCARE PHARMACEUTICALS, INC.,
ET AL., C.A. No. 2:16-01774
KESSLER v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-02594
SPETT v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-03051
TRANUM v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-03113
MICHEL v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-03203
MCGEE v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-03341
WILSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-03377
PIETERS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-03476
BURNS, ET AL. v. BAYER HEALTHCARE PHARMACEUTICALS, INC., AL.,
C.A. No. 2:16-03477
WALKER v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-03478

- A4

WATSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-03881
PETTLON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-04245
BUCKNER v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-04376
HAMILTON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-04377
PAVELKA v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-04378
JOHNSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-04449
ALBERTSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-04836
THIESING v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-04837
MASSIE v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-04838
EDWARDS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-05111
RODGERS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-05118
SANCHEZ v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-05120
VINCENT v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-05121
ERB v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-05327
WESSEL v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-05549
MYERS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-05551
HEAGY v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-05880
ANDERSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-05921
VON LANE v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-05933
VAZQUEZ v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-05934
COLLINS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-06121

-AS-

NOBLES-HOBBS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-07327
CARTER v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-07331
GLEDHILL v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-07332
HOPKINS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-07333
MAHLSTEDT v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-07907
ADAMS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08013
CARMAN v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08014
CONLEY v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08015
DAWSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08017
GEE v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08018
LEE v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08019
SANDERLIN v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08177
COCKRELL v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08436
COOPER v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08447
REESE v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08670
CASON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08784
GARRISON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08785
STEED v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08786
DENNIS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08819
PETERSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08830
JACKSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08832

- A6-

COAPMAN v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08834
JOHNSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08836
COTTINGHAM v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08838
BRYAN v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08841
LIFORD v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08842
UTLEY v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08843
STANLEY v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08899
BEELER v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08904
HICKEY v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08905
TAYLOR v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08906
TOWNSEND v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08908
VEGA v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-08910
EVANS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-09334
WILLIAMS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-09339
KJRK v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-09340
HANKINS v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-09440
FACKRELL v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:16-09443

District of Oregon

BOOTH, ET AL. v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:15-00598
DIEHL v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:15-01687

- A7-

Eastern District of Tennessee

CONING v. BAYERPHARMA AG, ET AL., C.A. No. 3:15-00137

Middle District of Tennessee

SCHALL v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:15-01138

Western District of Tennessee

HAMILL v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:15-02645

District of Vermont

TOLBERT v. BAYER HEALTHCARE PHARMACEUTICALS, INC., ET AL.,
C.A. No. 5:15-00065

IN RE: MIRENA IUS
LEVONORGESTREL-RELATED PRODUCTS
LIABILITY LITIGATION (NO. II)

MDL No. 2767

SCHEDULE CT0-1-TAG-ALONG ACTIONS

| | | C.A.NO. | <u>CASE CAPTION</u> |
|---------------------|---|----------|--|
| CALIFORNIA EASTERN | | | |
| CAE | 1 | 16-01883 | Aguilar v. McKesson Corporation et al |
| CALIFORNIA NORTHERN | | | |
| CAN | 4 | 17-00487 | Claiborne v. Bayer HealthCare Pharmaceuticals Inc. et al |
| COLORADO | | | |
| CO | 1 | 17-00604 | Sawyer v. Bayer Healthcare Pharmaceuticals, Inc. et al |
| KENTUCKY WESTERN | | | |
| KYW | 3 | 15-00230 | Stanley v. Bayer Healthcare Pharmaceuticals, Inc. et al |
| LOUISIANA MIDDLE | | | |
| LAM | 3 | 17-00040 | Ellis v. Bayer Healthcare Pharmaceuticals, Inc. et al |
| MINNESOTA | | | |
| MN | 0 | 17-00021 | Stier v. Bayer Healthcare Pharmaceuticals, Inc. et al |
| MISSOURI WESTERN | | | |
| MOW | 3 | 17-05011 | Clark v. Bayer Healthcare Pharmaceuticals, Inc. et al |
| NEW JERSEY | | | |
| NJ | 2 | 16-09602 | WILLIAMS v. BAYER HEALTHCARE PHARMACEUTICALS INC. et al |
| NJ | 2 | 17-00273 | PITTS v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-00414 | MCMULLAN v. BAYER HEALTHCARE PHARMACEUTICALS INC. et al |

| | | | |
|----|---|----------|--|
| NJ | 2 | 17-00566 | LASSO v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-00648 | HEISKELL v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-00654 | WHITE v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-00755 | STOOPS v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-00826 | HAYNES v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-00827 | FREITAS v. BAYERHEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-00891 | EVERETT-CAREY v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-00957 | JUAREZ-GARCIA v. BAYER HEALTHCARE PHARMACEUTICALS INC. et al |
| NJ | 2 | 17-01166 | HALL v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-01343 | ADAMS v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-01344 | GREER v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-01352 | KING v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-01353 | SHIVER v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-01354 | TOOMEY v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-01356 | HARRIS v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-01378 | ASBEL v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-01379 | GARNER v. BAYER HEALTHCARE PHARMACEUTICALS , INC. et al |
| NJ | 2 | 17-01559 | VALLERY v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-01686 | Liston et al v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-01744 | JAMES v. BAYER HEALTHCARE PHARMACEUTICALS INC. |
| NJ | 2 | 17-01745 | SANBORN v. BAYER HEALTHCARE PHARMACEUTICALS, INC |
| NJ | 2 | 17-01746 | BROWN v. BAYER HEALTHCARE PHARMACEUTICALS INC. |
| NJ | 2 | 17-01855 | PALMER v. BAYERHEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-01856 | SALAZAR v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |
| NJ | 2 | 17-01860 | ROBERSON v. BAYER HEALTHCARE PHARMACEUTICALS, INC. et al |

NYW 6 16-06102 Aboulba vs. Bayer Healthcare

PENNSYLVANIA EASTERN

PAE 2 17-00979 PERDUE v. BAYER HEALTHCARE
PHARMACEUTICALS, INC. et al