

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 16-2890-cv(L), 16-3012-cv(CON)

Caption [use short title]

Motion for: Adjourn Argument

Set forth below precise, complete statement of relief sought:

The parties jointly request that the Court remove this case from the argument calendar for Monday, August 14, 2017, at 2 PM.

In re Mirena IUD Products Liability Litigation

MOVING PARTY: Joint motion

OPPOSING PARTY: N/A

☐ Plaintiff☐ Defendant☒ Appellant/Petitioner☒ Appellee/Respondent

MOVING ATTORNEY: Lisa S. Blatt; Jay L.T. Breakstone

OPPOSING ATTORNEY: N/A (This is a joint motion)

[name of attorney, with firm, address, phone number and e-mail]

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Court- Judge/ Agency appealed from: S.D.N.Y. (Seibel, J.)

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No

(explain): N/A (This is a joint motion)

Opposing counsel's position on motion:

☒ Unopposed☐ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☒ No☐ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJECTIONS PENDING APPEAL:

Has this request for relief been made below?

☐ Yes☐ No

Has this relief been previously sought in this court?

☐ Yes☐ No

Requested return date and explanation of emergency:

Is oral argument on motion requested?

☐ Yes☒ No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☒ Yes☐ No

If yes, enter date: August 14, 2017

Signature of Moving Attorney:

s/Lisa Blatt; Jay Breakstone Date: August 11, 2017

Service by: ☒ CM/ECF☐ Other [Attach proof of service]

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

In re Mirena IUD Products Liability Litigation

Mirena MDL Plaintiffs,

Plaintiff-Appellants,

v.

Bayer HealthCare Pharmaceuticals Incorporated,

Defendant-Appellee.

Case Nos. 16-2890-cv(L);
16-3012-cv(CON)

JOINT MOTION TO ADJOURN ARGUMENT

The parties jointly request that the Court remove this case from the argument calendar for Monday, August 14, 2017, at 2 PM.

The Parties have reached agreement on a confidential Memorandum of Understanding (MOU) setting forth terms to resolve U.S. cases involving Mirena and allegations of secondary perforation personal injury and related claims. The cases covered by the MOU include:

- In Re: Mirena IUD Products Liability Litigation, 13-MD-2434 (S.D.N.Y.);
- In Re: Mirena IUD Products Liability Litigation, Multi-County Litigation Case No. 297 pending in Bergen County New Jersey Superior Court;
- All Mirena cases currently pending in the Circuit Court of the City of St. Louis, State of Missouri;
- All Mirena cases currently pending in California state court.

The resolution of these cases is subject to the completion of a final settlement agreement by the parties. Bayer does not admit any wrongdoing or liability as part of the agreement. Bayer said the resolution reflects a desire by the Company to avoid the distraction of continued litigation and focus on the needs of patients and prescriber.

Attorneys for Plaintiffs said they were pleased that their clients' claims will be resolved.

By s/ Lisa S. Blatt

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Dated: August 11, 2017