UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK DIVISION

IN RE: PROTON-PUMP INHIBITOR PRODUCTS LIABILITY LITIGATION (No. II)	:	MDL NO. 2789
	:	Civil Action No. 2:17-MD-02789
This Document Relates to: ALL ACTIONS	:	JUDGE CLAIRE C. CECCHI JUDGE MARK FALK

CASE MANAGEMENT ORDER NO. 13
(Science Day)

On May 16, 2018, the Court will hold "Science Day" to provide the Court with an overview of certain medical and scientific issues associated with proton pump inhibitors (PPIs) and the kidney injuries being alleged by the plaintiffs in an objective format without advocacy. Given the early stage of the litigation and early discovery and to avoid duplication in presentation, the Parties have agreed to the following ground rules to educate the Court on the basic issues in a non-adversarial manner and govern Science Day:

1. The Parties have agreed that the topics to be discussed at Science Day may include: a background on the diseases treated using PPIs; a background on acid suppressors, including PPIs, including how they work and their approved indications; the injuries alleged in this litigation; and medical literature related to PPIs and the alleged kidney injuries.

2. The Science Day presentations will be transcribed by the Court's reporter for the Court's use only, with costs of same to be split by the Parties.

3. The presentations will be made by the Parties' experts, up to two experts per side, who shall not be questioned by each other or opposing counsel or by other experts.

4. The format may be lecture-style presentations that may incorporate the use of PowerPoints or other demonstrative aids, which will not be exchanged by the Parties, but which will be provided to the Court upon the conclusion of Science Day. The Parties' attorneys will be allowed to lead the experts through a modified direct examination format to focus the presentation.

5. Because the Science Day presentations are purely for the Court's benefit to gather informal knowledge at Science Day, the Court session shall be closed to the public and to any persons other than admitted counsel for the Parties, the Parties' experts and Court staff.

6. Neither the transcript nor any PowerPoints or other demonstrative aids shall be discoverable, admissible, used in any fashion for impeachment purposes or for collateral attack on any presenter, shared beyond the instant litigation, or used for any purpose other than for this Court's benefit to gather informal knowledge at Science Day.

7. Science Day will follow, approximately, the schedule below. The Court will have the opportunity to ask questions of the Parties' experts during or after each presentation, and may ask questions of any expert at the close of both Parties' presentations:

a. Defendants' presentation – 2.5 hours total

b. Lunch

c. Plaintiffs' presentation – 2.5 hours total

IT IS SO ORDERED, this 4 day of May 2018.

HON. CLAIRE C. CECCHI
UNITED STATES DISTRICT JUDGE