

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
AT LEXINGTON

**IN RE: ONGLYZA (SAXAGLIPTIN)
AND KOMBIGLYZE XR
(SAXAGLIPTIN AND METFORMIN)
PRODUCTS LIABILITY LITIGATION**

Master File No. 5:18-md-2809-KKC

MDL Docket No. 2809

ALL CASES

PRELIMINARY SCHEDULING ORDER

*** **

The Court having conducted a preliminary status conference on this date, hereby
ORDERS as follows:

- 1) Within 14 days of the entry date of this order, plaintiffs' co-lead counsel must submit a brief regarding the defendants' proposal to conduct discovery in two phases, with the first phase dedicated to general causation. Defendants may file a response within 14 days of service of the plaintiffs' brief and plaintiffs may file a reply within 5 days of service of the response brief. All briefs are limited to 12 pages.
- 2) This matter is set for quarterly status conferences on the following dates at 3:00 p.m. ET:

December 18, 2018
March 19, 2019
June 18, 2019
September 17, 2019
December 17, 2019

Unless the Court orders otherwise, these conferences will be conducted telephonically.

Counsel shall access the call by:

- dialing 1-888-684-8852
- entering the access code 6823688

Either party may move the Court to order that a quarterly status conference be conducted in person. In addition, either party may move the Court to cancel or postpone a scheduled quarterly status conference or to conduct an additional conference.

3) The parties must file monthly joint status reports by the 15th (or first business day thereafter) of every month beginning the month of January 2019. If the parties are unable to develop a joint report, they may file separate reports.

4) Within 60 days from the entry date of this order, plaintiffs' co-lead counsel must submit a proposed order governing the payment of attorney's fees and expenses for plaintiffs' counsel.

5) Within 21 days of the entry date of this order, the parties must submit a proposed agreed protective order and agreed orders governing privileged documents, electronically stored information, direct filing, and waiver of service. If the parties are unable to agree on the proposed orders, they may submit separate orders.

6) All pending motions to dismiss in all cases are DENIED as moot, the parties having agreed that a master complaint will be filed in this matter in accordance with a subsequent scheduling order.

7) The contact in the undersigned's chambers for this matter is:

Candace Clay (859) 233-2828

8) The contact in the Clerk of the Court's office for this matter is:

Christy Dearborn (502) 223-5225

Dated September 7, 2018.



Karen K. Caldwell

KAREN K. CALDWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY