

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: PARAGARD IUD : MDL DOCKET NO. 2974
PRODUCTS LIABILITY :
LITIGATION, :
: 1:20-MD-02974-LMM
: **This Document relates to All Cases**

AGENDA – INITIAL CONFERENCE

The below is the Court's agenda for the February 9, 2021, meeting.¹ The format of the meeting will be collaborative and additional items may be discussed as needed.

1. Introductory remarks
2. Report on all related cases pending in state or federal courts and their current status (including number of cases currently pending in MDL No. 2974 (116 cases), cases currently on CTOs and awaiting transfer, and status of objections to CTOs in the JPML);
3. Leadership structure;
4. Scheduling regular status conferences;
5. Procedure for joint submission of proposed agenda topics in advance of regular status conferences;
6. Procedure for any substantive submissions to Court in advance of regular

¹ The Court is using the parties' proposed agenda as a template and adding items as needed.

- status conferences, including form, page limits, time for submission;
7. Procedure for waiver of service of summons of process and identification of an email mailbox address to whom waivers may be sent;
 8. Comments on website;
 9. Continued stay of responsive pleading obligations provided for in Section 6(b) of the Court's Order;
 10. Procedure for addressing pending motions, including pending motions to remand and motion to vacate (1:21cv298);
 11. Procedures for docketing and electronic service;
 12. The parties' joint request for the Court to excuse the parties from Rule 26(f) initial disclosures; except as to the ParaGard New Drug Application ("NDA") that was transferred on or about November 10, 2005, to Duramed Pharmaceuticals, Inc., and produced by TWH, Inc., to plaintiff in the *Estrada* case, which will be produced for Attorneys' Eyes Only to Plaintiffs' Lead Counsel and the Plaintiff Executive Committee and subject to the Protective Order to be entered in this case. The term "NDA" means and refers to the original application, amendments to the original application, supplements to the approved application, annual reports submitted under [21 CFR §314.81](#) for the application, and correspondence with FDA about such original application, amendments, supplements, and annual reports for New Drug Application 018680 approved by FDA on

November 15, 1984;

13. Status of potential Case Management Orders on which the parties currently (as of the date of this submission) are meeting and conferring:
 - a. Proposed CMO regarding Master Complaint, Responsive Pleadings, Short Form Complaints, and a Direct Filing Order, including deadlines for briefing on Rule 12 motions directed at Master Complaint, should the parties come to an agreement on the proposed CMO mentioned above;
14. Other topics and potential Case Management Orders on which the parties intend to meet and confer, including procedures for:
 - a. Protective Order
 - b. Preservation of documents
 - c. Privilege Log
 - d. Plaintiffs' requested production of prior discovery in *Estrada* case; *e.g.*, Gates, Angelo, Mehs, and Mehs 30(b)(6)
 - e. Timing for ESI Protocol
 - f. Deposition Protocol, including a Remote Deposition Protocol
 - g. Initial Discovery to Plaintiffs
 - i. Plaintiff Fact Sheets, Requests for Production, and Authorizations;
 - ii. Procedure for Failure to Produce a Plaintiff Fact Sheet and

Deficient Plaintiff Fact Sheets;

- h. Initial Discovery to Defendants
 - i. Initial Set of Master Interrogatories and Master Requests for Production of Documents;
 - ii. Defendant Fact Sheets and Case-Specific Requests for Production;
 - iii. Procedure for Failure to Produce a Defendant Fact Sheet and Deficient Defendant Fact Sheets;
 - i. Other discovery and timing of discovery;
 - j. Jurisdictional discovery;
15. Zoom Meeting Link for Initial Conference:

<https://ganduscourts.zoomgov.com/j/1606612652>

Meeting ID: 160 661 2652

Passcode: 123456

Dial by your location: +1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

+1 551 285 1373 US

+1 669 216 1590 US (San Jose)

IT IS SO ORDERED this 8th day of February, 2021.

A handwritten signature in blue ink that reads "Leigh Martin May". The signature is written in a cursive style and is positioned above a horizontal line.

Leigh Martin May
United States District Judge