

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**

ORDER – INITIAL CONFERENCE

The Court held its Initial Conference in this MDL on February 9, 2021. The below are the orders entered after discussion of these issues at that conference.

- 1. Leadership structure** – After the Court discussed issues concerning the leadership structure with all parties, the Court **ORDERED** Plaintiffs and Defendants to each file their proposed consent motion and order as to their requested leadership structure and team within 7 days of the date of this order.
- 2. Future status conferences** – The Court will hold status conferences once a month. The next six conferences will take place on the following dates at 10:00 am via zoom:

Tuesday, March 9, 2021

Monday, April 12, 2021

Wednesday, May 12, 2021

Monday, June 14, 2021

Tuesday, July 13, 2021

Friday, August 20, 2021

The Court will send out the zoom links prior to the conferences. The parties will submit a proposed consent agenda 3 business days prior to the conference. The parties will also confer as to the format for presenting issues that require additional explanation. When these are necessary, they should also be filed 3 business days before the conference.

- 3. Stay of responsive pleading obligations** – The Court continues the stay of responsive pleading obligations provided for in Section 6(b) of the Court’s initial order.

- 4. Pending motions** – The Court **DENIES WITHOUT PREJUDICE** all pending motions in the individual cases comprising the MDL. These cases are also **ADMINISTRATIVELY CLOSED**. These terminated motions will later be refiled in accordance with an upcoming Case Management Order.

- 5. Docketing** – All parties are to docket future filings only in the MDL case.

The case caption should indicate whether any filing applies to all cases or list the individual cases to which it should apply.

6. Electronic service – The Court **ORDERS** all attorneys participating in the MDL proceeding to register with the Court’s CM/ECF system. Because all attorneys will then receive electronic copies of documents filed in the MDL, the Court **ORDERS** that electronic service of documents via the Court’s CM/ECF system satisfies the obligation of service. Hereafter, unless otherwise ordered, neither the clerk’s office nor counsel for the parties shall be obligated to provide service copies of any filings or related orders by U.S. Mail or any other means to attorneys who have not registered with the Court’s CM/ECF system. An attorney who is not participating in the MDL and does not want to receive CM/ECF notifications may file a motion to withdraw or a certificate of consent to withdraw in accordance with Local Rule 83.1(E).

7. Initial disclosures – The Court **GRANTS** 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.


8. Case management and initial orders - The parties are **ORDERED**

to confer as to proposed orders for the following:

- 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;
- b. Protective Order
- c. Preservation of documents
- d. Privilege Log
- e. Plaintiffs' requested production of prior discovery in *Estrada* case; *e.g.*, Gates, Angelo, Mehs, and Mehs 30(b)(6)

- f. Timing for ESI Protocol
- g. Deposition Protocol, including a Remote Deposition Protocol
- h. 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;
- i. 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;
- j. Other discovery and timing of discovery.

IT IS SO ORDERED this 10th day of February, 2021.


Leigh Martin May
United States District Judge

ECF Access for MDL Attorneys

INSTRUCTIONS FOR REQUESTING E-FILING ACCESS TO MULTI-DISTRICT LITIGATION CASES

The instructions below are for attorneys with existing upgraded PACER accounts who (1) are appearing in a multi-district litigation case and (2) are electronically filing in this district for the first time. Attorneys who have filed electronically in the Northern District of Georgia prior to April 15, 2019, must log in to CM/ECF using their individual, upgraded PACER account and link their PACER account to their existing Northern District of Georgia CM/ECF account, and should not follow the steps below to request access to the Court's ECF system.

Otherwise, follow these instructions:

1. Go to www.pacer.uscourts.gov and select **Manage Your Account -> Manage My Account Login**.
2. Select **Log in to Manage My Account**.
3. Click the **Maintenance** tab.
4. Click on the **Attorney Admissions/E-File Registration** link
5. Select **U.S. District Courts** as the Court Type and **Northern District of Georgia** as the Court, and then click **Next**. [*Note: If you do not see Northern District of Georgia in the pick list of courts, you already have access to our court's ECF system.*]
6. Select **Multi-District Litigation**.
7. Verify or update the information populated in the form. Be sure to enter your bar number, your state of bar admission, and the MDL case number in the appropriate fields, and then click **Next**.
8. Verify or update payment information, and then click **Next**.
9. Click to acknowledge the terms and conditions of e-filing, and then click **Submit**.

Your request will be routed to the Attorney Admissions desk in the Northern District of Georgia. Once your request is verified, access will be granted to the Northern District of Georgia's ECF system. You may begin e-filing once you receive e-mail confirmation of your approved access request.

Entry of appearance in the MDL matter is required once e-filing access is approved.