

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**IN RE: PROTON-PUMP  
INHIBITOR PRODUCTS  
LIABILITY LITIGATION**

**2:17-MD-2789 (CCC)(MF)  
(MDL 2789)  
and all member and related cases**

**This Document Relates to:  
All Actions**

**Judge Claire C. Cecchi**

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**CASE MANAGEMENT ORDER NO. 74  
(Wave Order #1)**

As of March 29, 2022, there are approximately 13,500 cases pending in this MDL proceeding, *In re: Proton Pump Inhibitor Products Liability Litigation*, and one group of bellwether cases has undergone discovery and a second bellwether group has been selected for case-specific discovery. The Court finds that case-specific discovery of additional cases is necessary to promote the just and efficient conduct of this litigation. Accordingly, the Court is hereby ordering the parties to work up cases simultaneously in waves. This order includes the first two hundred cases that will be worked up, and subsequent orders will be entered each quarter.

**I. Selection of Wave One Cases**

Wave One shall consist of the 200 cases identified on Exhibit A hereto.<sup>1</sup>

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<sup>1</sup> Cases in subsequent waves may be selected from other groups of cases.

These 200 cases were randomly selected from the group of cases that (a) were identified as Eligible Round 2 Cases pursuant to Paragraph I of Case Management Order (“CMO”) No. 54 and (b) were not on the final list of 24 cases selected pursuant to Paragraph II.A.3 of CMO No. 54.

## **II. Case-Specific Fact Discovery for Wave One Cases**

A. Between June 1, 2022 and December 31, 2022, case-specific fact discovery of the Wave One Cases shall take place.

B. The following limitations shall apply to case-specific fact discovery:

1. Each Defendant<sup>2</sup> is limited to 10 interrogatories, 10 requests for production of documents and 10 requests for admission per case.
2. Plaintiffs are limited to 10 interrogatories, 10 requests for production of documents (including requests to produce sales representative custodial files) and 10 requests for admission to each Defendant.
3. In each individual case, each side will be entitled to take five (5) fact witness discovery depositions, which is inclusive of

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<sup>2</sup> For the purposes of these discovery limitations, each defendant and its related entities will be treated as one defendant. For example, Takeda Pharmaceuticals U.S.A., Inc. (TPUSA) and Takeda Pharmaceuticals America (TPA), Inc. are related entities and treated as one defendant for purposes of these discovery limitations. Similarly, if more than one plaintiff is named (*e.g.* an individual and their spouse), plaintiffs are treated as one entity for purposes of these discovery limitations.

plaintiff, treating and prescribing physicians, and sales representatives.<sup>3</sup>

4. The deposition of any fact witness is limited to 3 hours absent agreement of the parties.

C. Special Master Reisman will consider modifications to the above limitations only upon good cause shown and only if resolution cannot be reached after the parties meet and confer.

D. The following deadlines shall apply for fact discovery for the Wave One Cases:

Deadline to serve written discovery requests	July 15, 2022
Deadline to respond to written discovery	August 12, 2022
Deposition deadline and close of fact discovery	December 31, 2022

### **III. Expert Discovery for Wave One Cases**

A. Between January 1, 2023 and June 30, 2023, expert discovery for the Wave One Cases shall take place.

B. Each expert witness disclosure shall include at least two dates when each expert is available for a deposition. Depositions can only commence after both sides' expert reports have been served.

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<sup>3</sup> To the extent disputes arise regarding the division of time between the parties for the deposition of treating physicians (three hours total absent agreement), such disputes should be referred to Special Master Reisman for decision.

C. Depositions of Plaintiffs' experts will be completed before depositions of Defendants' experts in the same discipline, absent agreement of the parties or permission from the Special Master.

D. The parties shall be required to coordinate the depositions of experts when they are utilized across multiple Wave One Cases.

E. The following limitations shall apply to expert discovery:

1. Plaintiffs and each defendant are limited to no more than five experts per case (exclusive of treating physicians).
2. The deposition of any expert witness is limited to 7 hours absent agreement of the parties.

F. Special Master Reisman will consider modifications to the above limitations only upon good cause shown and only if resolution cannot be reached after the parties meet and confer.

G. The following deadlines shall apply for expert discovery for the Wave One Cases:

Plaintiffs' Expert Disclosures	February 1, 2023
Defendants' Expert Disclosures	March 3, 2023
Plaintiffs' expert witness rebuttal reports	March 31, 2023
Deposition deadline and close of expert discovery	June 30, 2023

#### **IV. Depositions for Wave One Cases**

A. The depositions of all Wave One Cases shall be taken in accordance with the terms set forth in CMO Nos. 40 and 45, subject to the following change:

1. Plaintiffs shall have priority in questioning prescribers, treaters, and other health care professionals in the Wave One Cases designated by an odd number on Exhibit A.
2. Defendants shall have priority in questioning prescribers, treaters, and other health care professionals in the Wave One Cases designated by an even number on Exhibit A.

B. Special Master Reisman will consider modifications in individual cases only upon good cause shown and only if resolution cannot be reached after the parties meet and confer.

#### **V. Motions for Wave One Cases**

A. The following deadlines shall apply for summary judgment and *Daubert* briefing:

Filing of <i>Daubert</i> motions	August 31, 2023
Filing dispositive motions	September 14, 2023
Responses to <i>Daubert</i> motions	September 28, 2023
Responses to dispositive motions	October 12, 2023
Replies to <i>Daubert</i> motions	October 26, 2023
Replies to dispositive motions	November 9, 2023

B. If the Court determines that a hearing or oral argument on summary judgment and/or *Daubert* motions, or limited/certain parts thereof, is necessary, such a hearing may be scheduled by the Court for a date to be determined by the Court.

C. If discovery reveals facts that could support a motion that would be dispositive of the *entirety* of a plaintiff's claims against *all* named defendants, either side may seek permission from Special Master Ellen Reisman in the individual case to file an early dispositive motion on that issue. If such leave is granted in an individual case, Special Master Reisman shall set a briefing schedule at that time.

## **VI. Cases Ready for Transfer or Remand**

A. Venue recommendations. By no later than November 17, 2023, the parties to each Wave One Case shall meet and confer concerning the appropriate venue for each cases, and the parties shall submit joint venue recommendations to Special Master Reisman by November 30, 2023. The parties' joint recommendations shall identify the cases about which the recommended venue is in dispute. Special Master Reisman may then request briefing concerning those Wave One Cases about which the parties disagree. Each party reserves the right to object to the venue selected by another party or the Court.

B. Upon completion of discovery and motions practice, the Wave One Cases where venue in the United States District Court for the District of New Jersey is not determined to be proper by the Court shall be transferred to a federal

district court of proper venue pursuant to 28 U.S.C. §1404(a) (if directly-filed in this MDL), or remanded to the federal district court from which such case was initially transferred pursuant to 28 U.S.C. §1407. The trial date for such cases transferred or remanded to other federal district courts shall be set by the judge to whom the transferred or remanded case is assigned.

C. Upon completion of discovery and motions practice, for any Wave One Case where venue in the United States District Court for the District of New Jersey is determined to be proper by the Court, the court will set a trial date in a separate order.

**SO ORDERED**

SIGNED on this 30th day of March, 2022.



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ELLEN K. REISMAN

Special Master

	Plaintiff Name	Case No.
1	Abbott, Janet	2:19-cv-09763
2	Abbott, Marilee Annette	2:19-cv-09407
3	Adams, Judy	2:18-cv-03523
4	Alessandro, Marcia A.	2:18-cv-13419
5	Alexander, Ronnie	2:18-cv-14831
6	Anderson, Dan D	2:20-cv-06442
7	Armstrong, Fred B	2:20-cv-00916
8	Ayers, Barry	2:20-cv-07945
9	Bablitz, Mark	2:20-cv-07305
10	Bales, Kevin	2:18-cv-05379
11	Ballard, Johnnie Mae	2:18-cv-16958
12	Barber, Jerome A.	2:18-cv-03379
13	Barker, Carol M	2:19-cv-13776
14	Bass, Margaret	2:18-cv-14565
15	Baum, Barbara L	2:19-cv-10514
16	Beaty, Gladys	2:18-cv-17774
17	Bell, Robert A	2:19-cv-00216
18	Benton, Duane Lee	2:19-cv-17671
19	Bernal, Soledad	2:18-cv-01758
20	Blamer, Mary Wilmeth	2:19-cv-01553
21	Bonner, Annie Nell	2:20-cv-04521
22	Boutin, Rose	2:18-cv-03965
23	Brazle, Glenda	2:18-cv-08239
24	Brown, Linda	2:18-cv-16713
25	Brown, Sandra Ann	2:20-cv-02229
26	Brown, Tony B	2:20-cv-03516
27	Burnside, Jack	2:18-cv-05769
28	Burrell, Ronald C	2:19-cv-09827
29	Burris, Troy	2:18-cv-11555
30	Burton, Ninette	2:18-cv-17010
31	Campbell, Wilma	2:19-cv-16451
32	Carroll, Jacqueline	2:18-cv-02592
33	Carter, Erma	2:18-cv-09372
34	Cartrett, Johnny D	2:20-cv-14128
35	Chistakoff, Patricia	2:18-cv-05229
36	Clark, Brian	2:18-cv-03538
37	Clark, James	2:18-cv-10983
38	Coffy, Michael	2:19-cv-20422
39	Coleman, Irma	2:17-cv-06000
40	Collins, Blaine E	2:19-cv-14126
41	Cooper, Victoria	2:19-cv-20426
42	Cox, Albert E., Jr.	2:18-cv-03498
43	Craig, Marcell DeCarlo	2:19-cv-04362
44	Crites, Ronald	2:18-cv-04427
45	Crouch, Beverly A.	2:18-cv-01616
46	Cutshaw, Wanda	2:18-cv-01785



## Exhibit A

47	Davis, Billy	2:19-CV-02775
48	Davis, Danny	2:17-cv-05801
49	Davis, George, Jr.	2:18-cv-14022
50	Degrafenreid, Carolyn	2:19-cv-14813
51	DesRosiers, Mandy Kay	2:19-cv-10346
52	Diamond, Emma	2:18-cv-03542
53	Diequez, Randee Michael	2:19-cv-21272
54	Doca, Carin	2:20-cv-03973
55	Donaldson, Debra	2:18-cv-17756
56	Edom, Dennis	2:19-cv-02874
57	Edwards, Keisha	2:18-cv-16747
58	Edwards-Clemment, Catherine A	2:18-cv-08394
59	England, Sherri	2:19-cv-16310
60	Evans-Thomas, Johnetta	2:18-cv-11114
61	Ewing, Janet M.	2:19-cv-15849
62	Farmer, Gregory	2:18-cv-07873
63	Fidler, Lynnette	2:18-cv-05419
64	Findley, Craig Ora	2:19-cv-21516
65	Foister, Nella Ann	2:18-cv-14540
66	Ford, Jim Harry, Jr.	2:19-cv-11036
67	Ford, Paula Sue	2:19-cv-13657
68	Fowler-Johnson, Kim	2:19-cv-22132
69	Frank, Russell	2:19-cv-12690
70	Friend, Starlyn	2:18-cv-17011
71	Fuller, Everleaner	2:17-cv-03455
72	Gable, Stephen	2:18-cv-01878
73	Gilbert Brenda Baker	2:20-cv-06162
74	Gleason, Della R.	2:19-cv-13244
75	Greene, Gloria	2:18-cv-14936
76	Greene, William H	2:20-cv-03555
77	Greer, Perry Lee, Jr.	2:18-cv-15445
78	Gunter, Mary Lee	2:18-cv-03544
79	Hale, Rhonda	2:19-cv-11521
80	Hall, Mary	2:19-cv-17617
81	Hall, Trythenia B	2:18-cv-15799
82	Hamilton, Paula	2:19-cv-15657
83	Hammond, Patricia	2:18-cv-09022
84	Hannan, Nina	2:18-cv-03674
85	Hanneman, Mary	2:19-cv-09820
86	Harden, Lynda	2:17-cv-13032
87	Harris, Dorothy	2:18-cv-02587
88	Hart, Mary B	2:18-cv-14795
89	Hart, Thomas	2:18-cv-11950
90	Hernandez, Karen L	2:20-cv-02235
91	Hinson, Sherry Joann	2:18-cv-02414
92	Horn, Jerry Wayne	2:18-cv-03568
93	Hornfeck, Anthony	2:17-cv-05809

94	Howard, Lorraine	2:19-cv-08986
95	Hunter, Shirley R	2:19-cv-09857
96	Hutton, Judy	2:18-cv-08115
97	Ivey, Jesse	2:18-cv-01270
98	Jackson, Susie	2:19-cv-11198
99	Jaksa, Jonel	2:20-cv-02672
100	James, Jackie Janiece	2:19-cv-19808
101	Jefferson, Doris A	2:19-cv-14746
102	Jenkins, Ronald	2:19-cv-11940
103	Johnson, Diana	2:18-cv-15726
104	Jolly, Jackie	2:18-cv-15839
105	Jones, Mary	2:20-cv-02439
106	Jurado, Victoria	2:19-cv-06131
107	Keenan, Ira K, Jr	2:19-cv-09826
108	Kellogg, Victoria	2:19-cv-03619
109	Kenny, Richard Lee	2:20-cv-06449
110	King, Ronald K	2:19-cv-14721
111	Koerner, Karen	2:18-cv-06387
112	Kurta, Ronald	2:18-cv-05728
113	Lambrecht, Glenn	2:18-cv-03567
114	Lane, Alice	2:18-cv-15127
115	Langston, Norma	2:18-cv-00120
116	Larrimore, Vickie	2:18-cv-03565
117	Lawrence, Cathryn	2:20-cv-08761
118	Lawrence, Sarah Marie	2:18-cv-14760
119	Lewis, Nanette	2:19-cv-09520
120	Livingston, Deborah	2:19-cv-21486
121	Lloyd, Teresa	2:19-cv-15639
122	Madsen, John	2:18-cv-00774
123	Marchel, Alexander	2:18-cv-07594
124	Marquez, Clarissia	2:19-cv-15663
125	Martin, Cary	2:18-cv-01749
126	Martin, Reginna	2:19-cv-06575
127	Martinez-Ramos, Cesar	2:18-cv-09427
128	Matteson, Rhonda	2:18-cv-04444
129	Maxwell, John	2:18-cv-14848
130	McAllister, Betty	2:19-cv-00541
131	McCulla, Ruth	2:19-cv-07097
132	McCurdy, Catherine	2:18-cv-11937
133	McFadden, Margaret L.	2:18-cv-03075
134	McMullen, Philip	2:19-cv-01274
135	Medlin, Kelli	2:19-cv-10127
136	Miller, Joycelyn	2:19-cv-03128
137	Miller, Nathan	2:17-cv-05926
138	Milligan, Kathy	2:17-cv-05808
139	Minor, Elliot	2:18-cv-05805
140	Morris, Barbara	2:17-cv-09783

141	Morris, Patricia	2:18-cv-03055
142	Nelson, Bernice E.	2:17-cv-05242
143	Newman, Dennis	2:18-cv-16460
144	Nicholson, Brenda	2:19-cv-18550
145	Orum, William Paul	2:18-cv-00359
146	Osborn, Dan	2:18-cv-17294
147	Owensby, Lorene	2:19-cv-09688
148	Pass, Rhonda	2:19-cv-16535
149	Persiani-Betts, Nancy	2:19-cv-04143
150	Phillips, Vester Kaseem	2:19-cv-18494
151	Presnell, Charles	2:19-cv-11884
152	Ramm, Amanda Jean	2:20-cv-02978
153	Ratliff, Steve	2:20-cv-10049
154	Reinhardt, John	2:19-cv-17992
155	Renfro, Theresa	2:18-cv-06739
156	Renninger, Dorothy J	2:18-cv-00270
157	Richard, Janecka	2:18-cv-15013
158	Riley, Gregory	2:17-cv-06223
159	Riley, Jackie	2:18-cv-00930
160	Rivera, David	2:18-cv-03705
161	Roberts, Willie Jr	2:20-cv-02696
162	Rohrer, Richard	2:17-cv-13344
163	Rothmaller, Richard	2:18-cv-03669
164	Rowe, Abbie	2:18-cv-03708
165	Sandoval, Henry	2:17-cv-11522
166	Sassaman, Jody	2:18-cv-00626
167	Schott, Charlotte Renee	2:19-cv-13000
168	Shoja, Anthony	2:19-cv-17542
169	Smallwood, Vanessa	2:18-cv-01747
170	Smith Jill	2:18-cv-06726
171	Smith Sandra Kinney	2:18-cv-08078
172	Smith, Russell Troy	2:19-CV-01787
173	Smithers, Carolyn	2:19-cv-13757
174	Snowden, Barbara	2:19-cv-07320
175	Snyder, Diane Lee	2:19-cv-21875
176	Stanton, Regina	2:17-cv-11604
177	Stoddard, Glenda	2:19-cv-01068
178	Stratz, Genevieve A.	2:19-cv-10280
179	Strong, Darinda	2:17-cv-13035
180	Sturgis, Delores	2:19-cv-08707
181	Swanigan, Mary A	2:19-cv-16252
182	Talavera, Rita A.	2:17-cv-13681
183	Thomas, Rebecca Lynn	2:20-cv-01368
184	Traeger, Carol	2:18-cv-01023
185	Trinidad, Sandra	2:18-cv-03624
186	Troendle, Ann	2:18-cv-06398
187	Troy, Janet	2:19-cv-11587

188	Tyo, Allen	2:19-cv-05161
189	Van Vleck, Margaret	2:20-cv-03180
190	Vandivier, Debra	2:18-cv-01681
191	Wade, Charles	2:18-cv-11189
192	Walls Rosemary	2:18-cv-02652
193	Warren, April	2:20-cv-02428
194	Webster, Kathryn J	2:18-cv-04109
195	Weldon, Shatonna	2:18-cv-00266
196	Widel, Allen Jerry	2:19-CV-17444
197	Wiley, Sylvia	2:18-cv-09010
198	Williams, Elnora J.	2:17-cv-05572
199	Wise, Danny	2:19-cv-10131
200	Young, Gloria Jean	2:19-cv-09556