

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

IN RE: ZANTAC (RANITIDINE)
PRODUCTS LIABILITY
LITIGATION

MDL NO. 2924
20-MD-2924

JUDGE ROBIN L. ROSENBERG
MAGISTRATE JUDGE BRUCE E. REINHART

_____/

THIS DOCUMENT RELATES TO: ALL CASES

**ORDER GRANTING IN PART MDL PLAINTIFFS’
EXPEDITED MOTION TO SUBMIT SUPPLEMENTAL EXPERT REPORTS**

THIS MATTER comes before the Court upon the MDL Plaintiffs’ Expedited Motion to Submit Supplemental Expert Reports and Incorporated Memorandum of Law (“Expedited Motion”). DE 6041. In their Expedited Motion, the Plaintiffs seek leave to submit supplemental general causation expert reports to address the newly-published Wang Study. *Id.*; see Chun-Hsiang Wang et al., *Pharmacoepidemiological Research on N-Nitrosodimethylamine-Contaminated Ranitidine Use and Long-Term Cancer Risk: A Population-Based Longitudinal Cohort Study*, Int’l J. Env’t Rsch. & Pub. Health, Sept. 30, 2022.¹ On October 5, 2022, the Defendants responded to the Plaintiffs’ Expedited Motion, indicating that the Plaintiffs and Defendants had reached a tentative agreement, and filed a stipulation memorializing their ongoing negotiations. DE 6046; DE 6047. The Court heard the parties on the matter the next day at the *Daubert* hearing on the Defendants’ general causation expert reports.

¹ The Expedited Motion was filed on October 4, 2022, after the Court held its *Daubert* hearing on the Plaintiffs’ general causation experts. DE 6041.

In light of the parties' filings and their positions as expressed at the *Daubert* hearing on October 6, 2022, the Court will permit Anne McTiernan, M.D., Ph.D., Patricia Moorman, M.S.P.H., Ph.D., Andrew Salmon, D.Phil., C.Chem., Paul Michaels, M.D., and Jennifer Le, Pharm.D. to submit supplemental expert reports on the Wang Study with the following conditions and under the following circumstances.

The Plaintiffs must file their supplemental expert reports by no later than 12:00 P.M. (noon) on October 11, 2022.² By 5:00 P.M. on October 14, 2022, the Defendants shall submit to the Plaintiffs and file with the Court up to two supplemental rebuttal reports. The Plaintiffs' five experts may only submit their supplemental expert reports to the Court if they make themselves available for deposition on their supplemental expert reports. Accordingly, after receipt of the Defendants' rebuttal reports, and any time before October 31, 2022, each of the Plaintiffs' five experts must make themselves available for the Defendants to depose them, if the Court is to consider the expert's supplemental expert report.


The Defendants will have three hours to depose Dr. McTiernan, three hours to depose Dr. Moorman, three hours to depose Dr. Salmon, one and half hours to depose Dr. Michaels, and one and half hours to depose Dr. Le. These allotments of time include their rebuttal time. The Plaintiffs will then have one and a half hours to depose Dr. McTiernan, one and a half hours to depose Dr. Moorman, one and a half hours to depose Dr. Salmon, forty-five minutes to depose Dr. Michaels, and forty-five minutes to depose Dr. Le. The Plaintiffs will have three hours per expert to depose the Defendants' experts submitting rebuttal reports.

² Since both parties must certify the record for the Court by October 10, 2022, the supplemental expert reports, deposition transcripts, and rebuttal reports will be the only new material to be added to the record after certification.

These allotments of time include their rebuttal time. The Defendants will then have one and a half hours per expert to depose the Defendants' experts.

The depositions and the supplemental reports shall be limited to the Wang Study. Counsel and experts are limited to discussing the Wang Study, its significance, and its impact on the deposed expert's general causation opinions. Questions may be asked about other studies in connection with the Wang Study, but experts may not state new opinions about other studies or change their opinions about other studies. Counsel may object to questions at the depositions as being outside the scope of the permitted subject matter, however, counsel may not prevent their deposed experts from cooperatively answering the questions. Counsel also should not call the Court about any disagreements regarding the scope of the testimony. Counsel should not file any objections to the supplemental reports. The Court will carefully review the transcripts of the depositions and the supplemental reports and will not consider questions or answers or portions of the reports that are outside the scope of the permitted subject matter.

DONE and ORDERED in Chambers at West Palm Beach, Florida, this 7th day of October, 2022.


ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE