

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: TEPEZZA MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION,

No. 23 C 3568
MDL No. 3079

This Document Relates to All Cases

Judge Thomas M. Durkin

**Joint Status Report and Proposed Agenda
for July 31, 2023 Case Management Conference**

Over the last month, the Parties have been actively engaged exchanging competing drafts, comments, and revisions, and participated in lengthy conferences regarding disputed provisions of drafts of the Protective Order, Evidence Rule 502(d) and Privilege Order, and ESI Protocol Order.

Plaintiffs also provided Defendant with a proposed Common Benefit Order, a proposed HIPPA Qualified Protective Order, and a proposed Bellwether Protocol (with a draft plaintiff profile form and medical-records authorization).

Parties' Proposed Agenda

A. Protective Order

As indicated, the parties have spent considerable time drafting, editing, and negotiating the form and substance of the proposed protective order. While there has been some compromise on certain matters, the parties find themselves at an impasse regarding the issues of: multiple tiers of designation for confidential materials; protections against disclosure of highly confidential information to competitors; execution of non-disclosure agreement prior to receiving highly confidential documents; designation of documents produced by third parties; Defendant's efforts

to prevent Plaintiffs from working with consultants and experts; and redaction of information in documents required by government regulations, containing trade secrets, and discussion other products unrelated to this MDL. The parties request that the Court order submission of simultaneous briefs on these issues (not to exceed 1,250 words) at 4:00 CST on August 14, 2023.

B. 502(d) and Privileged Materials

The parties have spent considerable time drafting, editing, and negotiating the form and substance of the proposed 502(d) order. The parties continue to make progress and anticipate that any remaining disputes will be resolved. To the extent they are not, the parties request that the Court order submission of simultaneous briefs on any outstanding issues (not to exceed 1,250 words) at 4:00 CST on August 14, 2023.

C. ESI Protocol

The parties have spent considerable time drafting, editing, and negotiating the form and substance of the proposed ESI order. The parties continue to make progress and may resolve their remaining disputes. To the extent they are not, the parties request that the Court order submission of simultaneous briefs on any outstanding issues (not to exceed 1,250 words) at 4:00 CST on August 21, 2023.

D. Bellwether/Briefing Plan for Motions to Dismiss and Initial Discovery Cases

The parties propose to meet and confer over the coming weeks and make progress toward an agreed Bellwether/Briefing Plan. Should they be unable to do so, the parties request that the Court set a schedule for simultaneous briefing on the issue.

E. Common-Benefit Order

The parties do not anticipate having disagreement over this order and propose to submit an agreed order by the next case-management conference.

F. Identification of Document Custodians

If the Court decides that discovery should proceed prior to resolution of the dispositive motions, Horizon will provide Plaintiffs with a list of document custodians prior to the next regularly scheduled status conference. Plaintiffs' position is that Defendant should complete this identification as part of its initial disclosures by August 31.

Dated: July 24, 2023

Respectfully submitted,

/s/ Trent B. Miracle

Trent B. Miracle
SIMMONS HANLY CONROY
One Court Street
Alton, Illinois 62002
(618) 259-2222
tmiracle@simmonsfirm.com

Plaintiffs' Co-Lead Counsel

/s/ Timothy J. Becker

Timothy J. Becker
JOHNSON // BECKER, PLLC
444 Cedar Street, Suite 1800
St. Paul, Minnesota 55101
(612) 436-1800
tbecker@johnsonbecker.com

Plaintiffs' Co-Lead Counsel

/s/ Ashlie Case Sletvold

Ashlie Case Sletvold
PEIFFER WOLF CARR KANE
CONWAY & WISE, LLP
6370 SOM Center Road, Suite 108
Cleveland, Ohio 44139

/s/ Eric A. Riegner

Eric A. Riegner
FROST BROWN TODD LLP
111 Monument Cir. Suite 4500
Indianapolis, Indiana 46204
(317) 237-3800
eriegner@fbtlaw.com

/s/ Lori E. Hammond

Lori E. Hammond
FROST BROWN TODD LLP
400 West Market Street, 32nd Floor
Louisville, Kentucky 40202
(502) 589-5400
lhammond@fbtlaw.com

Counsel for Horizon Therapeutics USA, Inc.

(216) 589-9280

asletvold@peifferwolf.com

Plaintiffs' Co-Lead Counsel

/s/ Molly Condon Wells

Molly Condon Wells

WALLACE MILLER

150 North Wacker Drive, Suite 1100

Chicago, Illinois 60606

(312) 261-6193

mew@wallacemiller.com

Plaintiffs' Liaison Counsel