UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

IN RE: DEPO-PROVERA (DEPOT MEDROXYPROGESTERONE ACETATE) PRODUCTS LIABILITY LITIGATION	Case No. 3:25-md-3140
This Document Relates to: All Cases	Judge M. Casey Rodgers Magistrate Judge Hope T. Cannon

CASE MANAGEMENT ORDER NO. 4

On July 11, 2025, the Court held the fourth Case Management Conference ("CMC") in the *Depo-Provera (Depot Medroxyprogesterone Acetate) Products Liability Litigation*, MDL No. 3140. Lead Counsel Chris Seeger and Co-Lead Counsel Bryan Aylstock and Ellen Relkin appeared on behalf of Plaintiffs. For the Pfizer Defendants, Joe Petrosinelli, Anne Showalter, and Jessica Rydstrom appeared.[1] Also present for the conference were Orran Brown and Julie Newton on behalf of the Data Administrator, BrownGreer PLC; Special Master David Herndon; and Pfizer's in-house counsel, Connie Matteo. This Order memorializes the key points of discussion during the conference, the issues resolved, and matters outstanding.

[1] Charles Beall appeared on behalf of Greenstone LLC and Viatris Inc. although these Defendants are being dismissed from the MDL.

By way of review, since the Third Case Management Conference on May 30, 2025, the member case filings have increased to 550 total actions as of the date of the CMC. The Court entered additional Pretrial Orders ("PTOs") during that time as well, reminding counsel of their notice of appearance obligations (PTO 24), requiring third-party funding disclosures (PTO 25), and requiring Defendants to file a master answer (PTO 26), which was timely filed on July 11. The Parties have agreed to dismiss without prejudice the authorized generic Defendants, Prasco LLC, Greenstone LLC, and Viatris Inc., and Plaintiffs are admonished to remove these Defendants when filing an Amended Complaint if they do not intend to pursue claims against them. Any future pleading naming these authorized generic Defendants will be subject to a Show Cause Order and *sua sponte* dismissal of those Parties unless the Plaintiff shows good cause within 14 days for why they should not be dismissed. *See* ECF Nos. 320, 327.

The Parties are currently engaged in preemption and general causation discovery. At this time, no discovery disputes have been brought to the Court for resolution. Instead, the Parties have worked diligently together and, when necessary, with the invaluable aid of Special Master Herndon, to resolve disputes without the need for Court intervention. As stated on the record, the undersigned is extremely pleased with the level of cooperation shown by the Parties so far. This collegiality

has resulted in a highly efficient process that not only benefits the Court but all litigants involved as well.

Turning to the agenda, the preemption discovery deadline is fast approaching on July 25, 2025. Dave Buchanan and Doug Monsour for Plaintiffs, and Jessica Rydstrom for Pfizer, reported on behalf of the ESI and Discovery Subcommittee that production is largely complete. Pfizer has provided five privilege logs totaling over 8,000 entries.[2] While still working through the review and privilege log process and anticipating a need to complete some overseas depositions beyond the preemption discovery deadline, the Subcommittee remained confident that any such extension would not impact the preemption briefing schedule. The Parties were advised to file a motion if an extension is required. Oral argument on preemption is scheduled for September 29, 2025.

Julia Merritt, Chair of the Data Administration Subcommittee, reported that Plaintiffs and BrownGreer held a joint townhall informational meeting about the MDL, and the video is available for viewing at MDL Centrality. She reported that the deficiency process is working smoothly, with no deficiencies referred to the Court. Among the first wave of questionnaires due by Monday, July 14, 2025, there are 41 outstanding. While a few motions for extension of time have been filed, the Parties should *not* request an extension. Any such motion will be denied as moot

[2] Pfizer has thus far completed production from 47 of 51 custodians.

sua sponte. Instead, the Parties must go forward with the deficiency process previously established—that is, if unable to meet the deadline for completion, a deficiency will be entered through MDL Centrality, and if unable to resolve the deficiency informally, the matter will be referred to the Court for a Show Cause Order. The Plaintiff will then have an opportunity to explain the deficiency to the Court, and Pfizer will have an opportunity to respond. *See* PTO 22.

Also, concerns have been raised over the medical monitoring class's ability to complete the proof of *injury* portion of the questionnaire. The Court agrees that proof of injury is not relevant for the medical monitoring class. Thus, medical monitoring class Plaintiffs need only provide proof of use, and the MDL Centrality deficiency review process need only consider proof of use for those putative class representative Plaintiffs.

Orran Brown of BrownGreer provided an overview of the MDL Centrality statistics, reporting that 104 law firms are registered, 559 Plaintiffs are enrolled, and 2,900 documents have been received.[3] Additionally, 526 Complaints have been vetted through the review process and are complete (13 remain in a cure period and 8 are under review), 206 questionnaires are deemed complete (with 6 under review), and 4 Plaintiffs are not yet registered (one has delayed over the need to provide a social security number and the others are simply slow to register). The Court advised

[3] Three cases from New York state courts also have registered with MDL Centrality.

that any deficiencies due to the failure of a Plaintiff to register consistent with the Court ordered deadline should be reported to the Court for a Show Cause Order. BrownGreer further reports that its artificial intelligence tool, which assists with the MDL Centrality deficiency review process, has now reached an 84% confidence level. Its results remain subject to verification by BrownGreer personnel.

State-Federal Liaison Counsel for Plaintiffs, Katherine Cornell, and Counsel for Pfizer, Annie Showalter, addressed the Court with an update regarding the progress of the Depo-Provera state court litigation. They advised that 11 cases have been filed in California (these are awaiting a coordination hearing, scheduled for July 24, 2025), 61 in New York (coordination is unopposed, but a judge has not yet been assigned), and Pennsylvania, Illinois, New Mexico, and Delaware each have 1 case. Counsel were asked to provide the undersigned with a list of the names and docket numbers for all cases pending in state courts.

Finally, the undersigned observed that as of the date of the CMC, the MDL docket included 550 cases, represented by 81 law firms, with many having filed only a handful of cases. At the time of leadership selection, it was represented to the Court that there were hundreds of cases waiting to be filed, and implicit in the Court's questioning on this topic was an expectation that those selected for leadership roles would promptly file their cases on the MDL docket. The Court now makes that expectation explicit. While it is possible that some cases proved unable

to withstand the vetting process, as to all other cases, leadership is strongly encouraged to file their cases or risk being removed from leadership positions.

As previously ordered, the next Case Management Conference will be held on **Friday, August 22, 2025, at 9:00 a.m. CT**, *see* ECF No. 236 (PTO 21), with oral arguments to follow on motions pending in the individual member case of *Daniels*, Case No. 3:25cv798-MCR-HTC. The Parties' Joint Agenda Letter is due by **12:00 p.m. CT on Monday, August 18, 2025**.

SO ORDERED this 14th day of July 2025.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE