

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

IN RE: TAXOTERE (DOCETAXEL))	MDL No. 16-2740
PRODUCTS LIABILITY)	
LITIGATION)	SECTION: “H” (5)
)	
This document relates to:)	
All cases)	

ORDER AND REASONS

Before the Court are Plaintiffs’ Objections to Pretrial Order No. 105 (Doc. 10457). For the following reasons, the Court declines to issue a ruling on the Objections.

The Master Complaint in this MDL states as follows:

Unlike the temporary and reversible alopecia that ordinarily results from chemotherapy, Taxotere, Docefrez, Docetaxel Injection, and Docetaxel Injection Concentrate cause Permanent Chemotherapy Induced Alopecia, which is defined as an absence of or incomplete hair regrowth six months beyond the completion of chemotherapy.¹

On December 11, 2019, the Court denied Plaintiffs’ Motion to Amend the Master Complaint.² Following this denial, the Court saw an influx of motions to amend short-form complaints.

In response, the Court issued Pretrial Order No. 105 (“PTO 105”). Before issuing PTO 105, the Court considered proposed drafts of the order from the parties. The Court held conferences with the parties and instructed the parties on what should be included in the order, and the parties worked together to jointly submit the final version of PTO 105. After issuing the order, Plaintiffs

¹ Doc. 4407 at ¶ 181.

² Doc. 8334.

requested an opportunity to file objections into the record, memorializing the objections they raised during conferences. The Court permitted Plaintiffs to do so.³

In the objections filed, however, Plaintiffs fail to make any objection to the language of PTO 105. Plaintiffs seem to defend PTO 105 while at the same time asserting that Defendants will misinterpret it. Plaintiffs' Objections, therefore, are elusive and difficult to address.

In pertinent part, PTO 105 provides as follows: "Within the terms set forth in this Order, Plaintiffs may amend their complaints to add factual allegations regarding particularized facts individual and specific to each Plaintiff's medical care and treatment and/or that Plaintiff's communications with medical professionals."⁴ The order says what it says.

Plaintiffs seem to ask the Court to issue what would essentially be an advisory opinion ruling on the oppositions that Plaintiffs anticipate they will hear from Defendants. The Court will not issue such a ruling. Instead, the Court instructs the parties to comply with PTO 105 as it is written.

For the foregoing reasons, the Court declines to issue a ruling on Plaintiffs' Objections to Pretrial Order No. 105 (Doc. 10457).

New Orleans, Louisiana this 23rd day of July, 2020.



JAYE TRICHE MILAZZO
UNITED STATES DISTRICT JUDGE

³ Doc. 10337.

⁴ Pretrial Order No. 105 (Doc. 10338).