

MINUTE ENTRY
MILAZZO, J.
SEPTEMBER 5, 2019

JS-10: 03:55

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:)
Applies to: 16-17144 - Barbara Earnest

MOTION HEARING

Judge Jane Triche Milazzo presiding

LAW CLERK: SAMANTHA SCHOTT
COURT REPORTER: NICHELLE DRAKE
CASE MANAGER: ERIN MOULEDOUS
COUNSEL: See attached sign-in sheet

Court begins at 1:00 p.m.

The following Motions in Limine are argued by counsel and Orders rendered as set forth below:

MOTION *in Limine* to Preclude Any Comment or Argument That Dr. Carinder Is Responsible for Plaintiff's Condition (**R. Doc. 7653**) is **GRANTED IN PART & DENIED IN PART.**

MOTION *in Limine* to Preclude Testimony and Evidence Regarding Instances of Permanent Alopecia Among Those Prescribed Taxotere by Sanofi's Experts (**R. Doc. 7652**) is **GRANTED.**

MOTION *in Limine* to Preclude Testimony and Evidence Regarding Other Chemotherapy Medications or Medical Conditions That Purportedly Cause Permanent Hair Loss (**R. Doc. 7651**) is **GRANTED IN PART & DENIED IN PART.**

MOTION *in Limine* to Exclude Testimony and Argument That Taxotere Has Saved Lives (**R. Doc 7660**) is **GRANTED IN PART & DENIED IN PART.**

MOTION *in Limine* to Exclude Evidence and Argument Regarding Evaluations of Plaintiff by Formerly Retained Experts and Who Will Not Testify at Trial **(R. Doc. 8108)** is **GRANTED**.

First Omnibus MOTION *in Limine* **(R. Doc 7720)** is **DEFERRED** insofar as it addresses evidence of adverse event reports or other complaints involving patients other than plaintiff. All other arguments in Doc. 7720 remain pending before the Court.

The following motions are argued by counsel and taken under submission by the Court:

MOTION *in Limine* to Preclude Evidence of Unrelated Medical Conditions, Familial Medical History of Cancer, And Unrelated Medication Usage **(R. Doc 7647)**

MOTION *in Limine* to Preclude Any Comment or Argument That Taxol Would Have Enhanced the Severity Of Plaintiff's Neuropathy **(R. Doc 7649)**

Second Omnibus MOTION *in Limine* to Preclude Evidence or Argument Concerning Sanofi Promotional And/Or Marketing Materials Not Possessed Or Relied On By Plaintiff Or Her Prescribing Physician **(R. Doc 7657)**

Second Omnibus MOTION *in Limine* to Preclude Evidence or Argument Regarding Sanofi Sales Representatives **(R. Doc 7657)**

MOTION *in Limine* to Preclude Evidence or Argument Concerning Correspondence between DDMAC and Sanofi by Defendant **(R. Doc 7658)**

MOTION *in Limine* Excluding Improper Arguments or Suggestions Regarding FDA Approval **(R. Doc. 7659)**

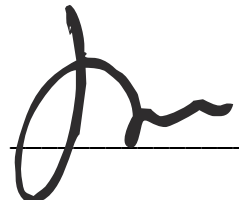
MOTION *in Limine* to Preclude Evidence or Argument Regarding Foreign Labeling and Regulatory Actions **(R. Doc 7666)**

MOTION *in Limine* to Preclude Evidence and Argument that "Ongoing Alopecia" Data Observed in the Tax316 and GEICAM 9805 Clinical Trials Presents Evidence of "Persistent," "Permanent," or "Irreversible" Alopecia **(R. Doc 7668)**

MOTION *in Limine* to Preclude Evidence and Argument Regarding Shirley Ledlie and Any "Taxotears" or Other Third Party Advocacy or Communications Group or Group Members **(R. Doc 7670)**

MOTION *in Limine* to Preclude Evidence and Argument Regarding Company Conduct that Post-Dates Plaintiff's Chemotherapy Treatment **(R. Doc 7671)**

Order and Reasons to follow.
Court adjourned at 4:55 p.m.

A handwritten signature in black ink, appearing to be a stylized 'J' or 'M', is written over a horizontal line.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION

MDL 2740

SEC. "H"(5)

SEPTEMBER 5, 2019

1:00 pm Motion Hearing Sign in Sheet

Motion	Plaintiff Counsel Arguing (Please print)	Defense Attorney Arguing (Please print)
MOTION in Limine to Preclude Evidence Regarding Sanofi's Corporate Character and Good Acts (MIL No. 1) Document: 7643	Rand Nolen	
MOTION in Limine to Preclude Testimony and Argument that Plaintiff's Experts Have Not Publicized/Published or Submitted Their Opinions to the FDA or Any Other Organization (MIL No. 3) Document: 7644	Rand Nolen	
MOTION in Limine to Preclude Testimony and Evidence Regarding "Stem Cell" Staining (MIL No. 5) Document: 7645	DAVID Miceli	
MOTION in Limine to Preclude Testimony and Argument Regarding Plaintiff Counsel Advertisements (MIL No. 4) Document: 7646	Karen Menzies	
② MOTION in Limine to Exclude Evidence of Unrelated Medical Conditions, Familial Medical History of Cancer, and Unrelated Medication Usage (MIL No. 9) Document: 7647	DARIN SCHANKER	Harley R H. Idy Sistrac
MOTION in Limine to Preclude Defense Counsel From Commenting on or Discussing Certain Matters in the Presence of the Jury or Potential Jurors) Document: 7648	Rand Nolen	
⑤ MOTION in Limine to Preclude Any Comment or Argument That Taxol Would Have Enhanced the Severity of Plaintiff's Neuropathy (MIL No. 12) Document: 7649	DARIN SCHANKER	DONALDAS Modica
MOTION in Limine to Exclude Evidence of Healthcare Costs and Insurance as a Collateral Source (MIL No. 2)) Document: 7650	Rand Nolen	
④ MOTION in Limine to Preclude Testimony and Evidence Regarding Other Chemotherapy Medications or Medical Conditions That Purportedly May Cause Permanent Hair Loss (MIL No. 11)) Document: 7651	DARIN SCHANKER	HARLEY R
③ MOTION in Limine to Preclude Testimony and Evidence Regarding Instances of Permanent Alopecia Among Those Prescribed Taxotere by Sanofi's Experts (MIL No. 10)) Document: 7652	Rand Nolen	HARLEY R
① MOTION in Limine to Preclude Any Comment or Argument That Dr. Carinder is Responsible for Plaintiff's Condition (MIL No. 7)) Document: 7653	DARIN SCHANKER	H. Idy Sistrac

No. 17	Motion	Plaintiff Counsel Arguing (Please print)	Defense Attorney Arguing (Please print)
10 11	MOTION in Limine to Preclude Evidence or Argument regarding Sanofi's Second Omnibus Motions in Limine (MIL No. 15-20)) Document: <u>7657</u>	17+20 Karen Menzies 15, 16, 19 David Schanker	Hildy Sastha
12	MOTION in Limine to Preclude Evidence or Argument Concerning Correspondence between DDMAC and Sanofi) Document: <u>7658</u>	DAVID Miceli	HARIZY RATZIF
6	MOTION in Limine to Exclude Improper Arguments or Suggestions Regarding FDA Approval (MIL No. 13)) Document: <u>7659</u>	Andre Mura	Douglas Moore
7	MOTION in Limine to Exclude Testimony and Argument That Taxotere Has Saved Lives (MIL No. 14)) Document: <u>7660</u>	Rand Nolen	Douglas Moore
	MOTION in Limine to Preclude Testimony and Evidence Regarding Other Individuals' Personal Use of Taxotere and Personal Experience With Cancer (MIL No. 6)) Document: <u>7661</u>	Dave Miceli	
	MOTION in Limine to Preclude Evidence or Argument Referring to Sanofi as a "French" or "Foreign" Company (Motion in Limine No. 22)) Document: <u>7662</u>	Chris Coffin	
	MOTION in Limine to Preclude Evidence or Argument that the Alleged "High Toxicity" of Taxotere Causes or is Associated with Alopecia (Motion in Limine No. 23)) Document: <u>7664</u>	DAVID Miceli	
13	MOTION in Limine to Preclude Evidence or Argument Regarding Foreign Labeling and Regulatory Actions (MIL No. 24)) Document: <u>7666</u>	DAVID Miceli	Jon Strongman
14	MOTION in Limine to Preclude Evidence and Argument that "Ongoing Alopecia" Data Observed in the Tax316 and GEICAM 9805 Clinical Trials Presents Evidence of "Persistent," "Permanent," or "Irreversible" Alopec) Document: <u>7668</u>	DAVID Miceli	HARIZY RATZIF
15	MOTION in Limine to Preclude Evidence and Argument Regarding Shirley Ledlie and Any "Taxotears" or Other Third Party Advocacy or Communications Group or Group Members (Motion in Limine No. 26)) Document: <u>7670</u>	Karen Menzies	Jon Strongman
16	MOTION in Limine to Preclude Evidence and Argument Regarding Company Conduct that Post-Dates Plaintiff's Chemotherapy Treatment (Motion in Limine No. 27)) Document: <u>7671</u>	DAVID Miceli	Jon Strongman
	MOTION in Limine to Preclude Evidence or Argument Concerning FDA's January 2011 Warning Letter and Corresponding 483 Inspection (Motion in Limine No. 28)) Document: <u>7673</u>	Chris Coffin	
9	OMNIBUS MOTION in Limine Document: <u>7720</u>	Multiple counsel but #5 - Andre Mura	Jon Strongman
8	MOTION in Limine to Exclude Evidence and Argument Regarding Evaluations of Plaintiff by Formerly Retained Experts who Will Not Testify at Trial) Document: <u>8108</u>	Chris Coffin	Douglas Moore