

**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 ACTIONS)

PRETRIAL ORDER NO. 22A
(SHOW CAUSE ORDER PROCESS FOR DISMISSAL OF CASES)

This Order modifies Amended Pretrial Order No. 22 (Rec. Doc. 325) ("PTO 22")¹, paragraph 5, with respect to the procedure for show cause orders and governs the Defendants' requests for dismissal of the Complaint of any Plaintiff who allegedly fails to submit a complete and verified PFS.

1. This Order applies to any Plaintiff who does not comply with the requirements of PTO 22, Paragraphs 2-3 and Paragraphs 5-6 by providing a complete and verified PFS, signed and dated Authorizations, and all responsive documents requested in the PFS within the time periods set forth therein;

2. In any such instance where thirty (30) days have passed, Defendants may serve a Notice of Non-Compliance upon Plaintiffs' Liaison Counsel. The Notice of Non-Compliance shall be in spreadsheet format and shall include columns for the last name of the plaintiff, the first name of the Plaintiff, the case number, the date the complaint was filed, the name and contact

¹ Specifically, the following language from paragraph 5 of PTO 22 is superseded by this Pretrial Order:

Afterwards, Defendants may add the name and case number of any Plaintiff who fails to cure deficiencies within the thirty-day cure period to the Agenda for the next Status Conference. No briefing is required. Any Plaintiff who remains deficient at the time of that Status Conference will be subject to an Order to Show Cause, returnable at the following Status Conference, which will require Plaintiff to show cause why her Complaint should not be dismissed with prejudice.

information of the Plaintiff's counsel, the Plaintiff's MDL Centrality number, and a description of the discovery non-compliance.

3. Within thirty (30) days of being identified on a Notice of Non-Compliance, each Plaintiff must serve Defendants with the complete and verified disclosures, along with the requisite responsive documents for PTO 22 by uploading such evidence to the applicable document-type field on MDL Centrality. Each Plaintiff shall at the same time confirm compliance by email to the counsel identified in attached Exhibit A and Plaintiffs' Liaison Counsel. During this thirty (30) day period, the parties shall meet and confer through Plaintiffs' Liaison Counsel, or their designee, with Defendants' Liaison Counsel, or their designee.

4. Any Plaintiff who remains non-compliant with Paragraph 3 above, may be placed on the call docket by the Defendants subject to possible dismissal with prejudice or other appropriate relief. The call docket will be taken up after the status conferences, which date will be published by the Court on the Court's website. No later than fourteen days before the call docket, Defense Liaison Counsel shall file the list of the cases by name and number subject to dismissal under this order. There shall be no briefing by any party. At the hearing, Liaison Counsel or their designees will advise the Court of any cases that may be removed from the list by agreement. At the call docket, each party will have the opportunity to address the Court, in person or via telephone, or through Liaison Counsel or its designee, regarding the matter. Any Plaintiff who fails to appear at the call docket and establish good cause for the failure to make discovery disclosures as required herein, may have her case dismissed with prejudice, or be subject to any other such relief as the Court may order.

5. The Court will employ this same show cause procedure with regard to the alleged violations by the Plaintiffs of CMO 12A and PTO 71A, when the Court so directs.

New Orleans, Louisiana this 24th day of July, 2018.

A handwritten signature in black ink, appearing to read "Jane T. Milazzo", written over a horizontal line.

HON. JANE T. MILAZZO
UNITED STATES DISTRICT JUDGE

EXHIBIT A

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