

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY
LITIGATION

MDL NO. 2740
SECTION “N” (5)

THIS DOCUMENT RELATES TO:

Sheila Matthews, et al. v. Sanofi S.A., et al., Case No. 2:16-cv-17731

ORDER AND REASONS

Presently before the Court is a motion to certify class¹ (Rec. Doc. 342) filed by Plaintiffs Sheila Matthews (“Matthews”), Debra Chetta (“Chetta”), and Emily Barre (“Barre”), to which Defendant sanofi-aventis U.S. LLC (“sanofi-aventis”) has filed a memorandum in opposition (Rec. Doc. 530). Having carefully considered the parties’ supporting and opposing submissions, the record, and the applicable law, **IT IS ORDERED** that Plaintiffs’ motion is **DENIED** for essentially the reasons stated in Defendant’s opposition memorandum.

Specifically, the Court finds that the requirements for class certification under Rule 23 of the Federal Rules of Civil Procedure have not been satisfied in this case. In particular, the Court notes that Plaintiffs’ claims involve a variety of individualized issues and/or elements. For instance, Matthews, Chetta, and Barre have differing circumstances surrounding their claims, including: (1) whether brand name Taxotere or a generic equivalent was administered; (2) what combination of chemotherapy agents was utilized in connection with Taxotere or its generic

¹ Plaintiffs seek certification of a class consisting of:

All Louisiana residents who were administered Taxotere during chemotherapy and have suffered permanent alopecia and other legally cognizable injuries as a result.

See Rec. Doc. 342-1 at p. 15.

equivalent; (3) the dosage of Taxotere or its generic equivalent that was administered; (4) the number of treatment cycles that took place; (5) the description of the alleged injury; and (6) the damages sought. *See* Rec. Doc. 530 at p. 2-4. Thus, the personal and individualized nature of Plaintiffs' claims does not lend itself to class certification under Rule 23 of the Federal Rules of Civil Procedure.

New Orleans, Louisiana, this 17th day of July 2017.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE