

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
ALL CASES

PRETRIAL ORDER NO. 44
(Order Appointing 505(b)(2) Defendants' Settlement Committee)

The Court previously appointed counsel to the Plaintiff Settlement Committee and the Defendant Settlement Committee on December 13, 2016, in Pretrial Order No. 6 (Rec. Doc. 133). In addition to these committees, this Court now finds that it is appropriate to appoint counsel to a separate committee for the non-Sanofi Defendants, referred to as the 505(b)(2) Defendants. This Court contemplates that this 505(b)(2) Defendant Settlement Committee *may* become part of the previously appointed Defendant Settlement Committee in the future, or there may be a need for each 505(b)(2) Defendant to discuss settlement with the Plaintiff Settlement Committee independently from other Defendants.

As previously stated in Pretrial Order No. 6 (Rec. Doc. 133), counsel appointed to the settlement committees are charged with engaging in continuous general settlement discussions on a regular basis, as opposed to participating in detailed discovery, trial preparations, and presentations at trial, wherein those time-consuming tasks would distract counsel from pursuing avenues for potential resolution of some or all of the issues in this multi-district litigation. The settlement committees are expected to hold regular discussions, in an attempt to establish common understandings, potential ground rules, component parts and concepts, anticipated relief, necessary approvals, and ultimately financial details, including drafting of all pertinent documents, in an

attempt to resolve this matter prior to remand of some or all of the member cases. These discussions are to be both among the separate committee members themselves and with each other across the adversarial divide, as well as with and/or without the input of the assigned Magistrate Judge in this matter. In addition, the Court will from time to time, meet by phone and in person with the settlement committees as so desired.

Therefore, based upon the nominations submitted to counsel from the 505(b)(2) Defendants, the Court hereby appoints the following:

505(b)(2) Defendant Settlement Committee:

- **On behalf of Accord Healthcare, Inc.:**

John P. Wolff, III
Keogh, Cox & Wilson, Ltd.
701 Main Street
Baton Rouge, LA 70802
(Phone): 225-383-3796
(Facsimile): 225-343-9612
Email: jwolff@keoghcox.com

- **On behalf of Actavis Pharma, Inc.:**

Rex A. Littrell
Ulmer & Berne LLP
65 East State Street, Suite 1100
Columbus, OH 43215
(Phone): 614-229-0012
(Facsimile): 614-229-0013
Email: rlittrell@ulmer.com

- **On behalf of Hospira Worldwide, LLC and Pfizer Inc.:**

Sheila L. Birnbaum
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010
(Phone): 212-849-7000
(Facsimile): 212-849-7100

Email: sheilabirnbaum@quinnemanuel.com

- **On behalf of McKesson Corporation:**

Habib Nasrullah
Wheeler Trigg O'Donnell LLP
370 Seventeenth Street, Suite 4500
Denver, Colorado 80202
(Phone): 303-244-1960
(Facsimile): 303-244-1879
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- **On behalf of Sandoz Inc.:**

Lori G. Cohen
Greenberg Traurig LLP
Terminus 200
3333 Piedmont Road NE, Suite 2500
Atlanta, GA 30305
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(Facsimile): 678-553-2212
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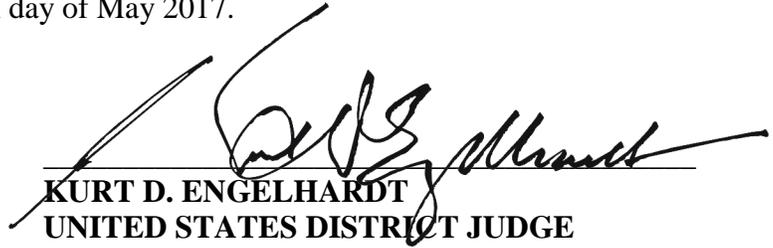
- **On behalf of Sun Pharma Global Inc.:**

Bradford R. Carver
Hinshaw & Culbertson LLP
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Moreover, Lori G. Cohen is appointed as chairperson of the committee. The chairperson shall be responsible for organizing meetings and handling communication with the counterpart committees as well as with the Court. The terms of appointment to these committees shall be the same as the appointment of counsel to the liaison committees (see Pretrial Order No. 2, Rec. Doc. 104), i.e., the initial term shall extend until January 1, 2018, and all other provisions of Paragraph 5 of Pretrial Order No. 2 shall apply.

In addition, the Court will, from time to time, meet by phone and in person with the settlement committees as so desired.

New Orleans, Louisiana, this 11th day of May 2017.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE