

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: XARELTO (RIVAROXABAN)  
PRODUCTS LIABILITY LITIGATION

MDL NO. 2592

THIS DOCUMENT RELATES TO  
ALL CASES

SECTION L  
JUDGE ELDON E FALLON  
MAG. JUDGE NORTH

**PRETRIAL ORDER NO. 28A**  
**(Regarding Contact with Physicians Through Trial)**

Consistent with the Court's Order & Reasons, entered on March 9, 2016 [Doc. No. 2676], and Pretrial Order No. 28, entered on April 28, 2016 [Doc. No. 3156], the following will govern the parties' interactions with an MDL Plaintiff's prescribing and treating physicians for the four bellwether cases through the end of trial.

1. Plaintiffs' counsel may engage in *ex parte* communications with the healthcare providers of the four bellwether plaintiffs, including but not limited to the prescribers and treaters. With respect to any such *ex parte* communications, at least 48 hours before the healthcare provider's testimony at trial, Plaintiffs' counsel shall disclose to Defendants' counsel each of the following:

- a. The date(s) of each such *ex parte* communication;
- b. The approximate duration of each such *ex parte* communication;
- c. The location of each such *ex parte* communication;
- d. The participants in each such *ex parte* communication; and
- e. The identity of the documents, photographs, or other materials that were shown or provided to the treating physician by Plaintiffs' counsel in connection with each such *ex parte* communication. If said communication takes place less than 48 hours before a healthcare

provider is scheduled to testify at trial, such disclosure shall be made within three hours of the communication.

2. Plaintiffs' counsel will maintain a record of the information set forth in paragraph 1 with respect to their *ex parte* contacts with physicians for each of the other 36 discovery pool plaintiffs so that the information will be preserved when discovery is resumed in those cases.

3. Defendants' counsel will not engage in *ex parte* communications with the healthcare providers of the four bellwether plaintiffs except as permitted in paragraph 3 of Pretrial Order No. 28 and its subdivisions. Nothing herein shall bar any employee, agent or representative of the Defendants from engaging in communications with physicians in the ordinary course of business.

NEW ORLEANS, LOUISIANA, this 10th day of January, 2017.

A handwritten signature in black ink, reading "Eldon C. Fallon". The signature is written in a cursive style with a horizontal line underneath it.

UNITED STATES DISTRICT JUDGE