

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: XARELTO (RIVAROXABAN) * MDL 2592
PRODUCTS LIABILITY LITIGATION *
* SECTION L
THIS DOCUMENT RELATES TO *
ALL CASES * JUDGE ELDON E. FALLON
*
* MAG. JUDGE NORTH

PRE-TRIAL ORDER 12(B)
(Stipulation and Order to Govern Non-Party
Portola Pharmaceutical, Inc.’s Production of Documents)

This Pre-Trial Order 12(B) (“PTO 12(B)”) will govern the production of documents made by Portola in this litigation, including those documents in response to the Plaintiffs’ May 9, 2016 Subpoena to Produce Documents, Information or Objects or to Permit Inspection of Premises in a Civil Action (the “Subpoena”) that was served on Portola. For good cause as shown:

WHEREAS, on August 4, 2016, at the hearing on the PSC’s motion to compel, and in a telephonic hearing conducted on September 14, 2016, the Parties, Portola, and the Court discussed the need for additional protective provisions to govern Portola’s production of certain confidential documents;

IT IS HEREBY ORDERED that PTO 12 and 12(B) shall govern Portola’s production of documents:

1. In addition to the provisions in PTO 12 which shall apply to any production made by Portola, Portola may also designate as “PROTECTED INFORMATION – ATTORNEYS EYES ONLY” those documents meeting the criteria for “PROTECTED INFORMATION – HIGHLY PROTECTED” that Portola has not previously disclosed or provided to a defendant of

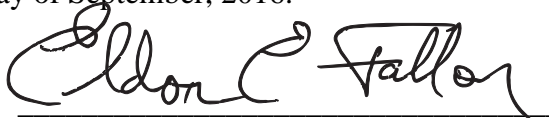
record in MDL No. 2592. A document marked “PROTECTED INFORMATION – ATTORNEYS EYES ONLY” may be only be disclosed to:

(a) Defendants’ Counsel of record, Plaintiffs’ Lead and Liaison Counsel and the Plaintiffs Steering Committee;

2. One (1) in-house counsel for the Janssen defendants and the Bayer defendants, respectively, provided that such designee serves exclusively as in-house litigation counsel. Defendants’ Counsel of record shall identify Janssen’s designee and Bayer’s designee to Counsel for Portola prior to the designee obtaining access to materials marked “PROTECTED INFORMATION – ATTORNEYS EYES ONLY”.

3. The parties shall meet and confer further to discuss the sharing and use of documents designated “PROTECTED INFORMATION – ATTORNEYS EYES ONLY” under this PTO 12(B) in depositions or with others, as may be necessary. Failing to come to an agreement, the Parties and Portola will bring unresolved matters to the Court.

New Orleans, Louisiana, this 21st day of September, 2016.

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

Eldon E. Fallon
United States District Court Judge