

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: XARELTO (RIVAROXABAN)  
PRODUCTS LIABILITY LITIGATION

MDL No. 2592

SECTION L

THIS DOCUMENT RELATES TO  
ALL ACTIONS

JUDGE ELDON E. FALLON

MAG. JUDGE NORTH

**PRETRIAL ORDER NO. 26**  
**(Bellwether Deposition Protocol)**

1. **Scheduling.** Andy Birchfield of the PSC will handle scheduling for plaintiffs. When a critical mass of relevant medical records are collected for a particular case, Defense counsel will notify Andy Birchfield and identify the prescriber and treater that defendants want to depose. In response, Andy Birchfield will provide dates for plaintiff, prescriber and treater with no less than two week notice.

2. **Who gets deposed.** Within 1 week of receiving Defendants' identification of the prescriber and treater they want to depose in each case, Andy Birchfield will notify defendants if there is any disagreement. Andy Birchfield, Susan Sharko (Janssen) and Andrew Solow (Bayer) will attempt to resolve these disputes or will seek Court assistance, as necessary.

3. **Location of Depositions.** The witnesses will be deposed in the federal district where they live.

4. **Order of Depositions.** The order of deposition shall be plaintiff, prescriber and treater, with the detail representative going before or after the treater, as scheduling permits

5. **Time of Depositions.** Seven hours for defense for the plaintiff deposition.

For prescribing doctor and treating doctor depositions, the time split will be 50-50 provided that plaintiff's counsel has not met with the doctor. If the plaintiff's counsel has met with the doctor, then defense counsel will be allocated 60% of the deposition time for that doctor's deposition. For detail representative depositions, six hours will be allotted for plaintiff's counsel and one hour for defense counsel.

6. **Order of Questioning.** For detail representatives, plaintiffs first. For

prescribers and treaters, as set forth on table below:

Pick	Xarelto User	Prescriber	Treater
Random Pick	Atwood, Donnie	Defense First	Plaintiff First
Random Pick	Bloch, Carmelita	Plaintiff First	Defense First
Random Pick	Cooper, Daisy	Defense First	Plaintiff First
Random Pick	Ervin, Joseph W.	Plaintiff First	Defense First
Random Pick	Fishman, Helen	Defense First	Plaintiff First
Random Pick	Gray, Lawrence	Plaintiff First	Defense First
Random Pick	Hall, Sigrid	Defense First	Plaintiff First
Random Pick	Hershberger, Lowell	Plaintiff First	Defense First
Random Pick	Ibanez, Harriet	Defense First	Plaintiff First
Random Pick	Louviere, Herbert J., Jr.	Plaintiff First	Defense First
Random Pick	Mascaro, Frances	Defense First	Plaintiff First
Random Pick	McDaniel, Frances	Plaintiff First	Defense First
Random Pick	McKee, Mary	Defense First	Plaintiff First
Random Pick	Mitchell, Rawleigh	Plaintiff First	Defense First
Random Pick	North, David	Defense First	Plaintiff First
Random Pick	O'Fallon, JoAnn	Plaintiff First	Defense First
Random Pick	Smith, Gwendolyn	Defense First	Plaintiff First
Random Pick	Stokes, Mary	Plaintiff First	Defense First
Random Pick	Voss, Marilyn	Defense First	Plaintiff First
Random Pick	Williams, Sidney A., Jr	Plaintiff First	Defense First
Defense Pick	Bass, David	Defense First	Plaintiff First
Defense Pick	Braswell, Christopher	Plaintiff First	Defense First
Defense Pick	Brien, James J., Sr.	Defense First	Plaintiff First

Defense Pick	Dixon, Winston D.	Plaintiff First	Defense First
Defense Pick	Dombroski, Anthony	Defense First	Plaintiff First
Defense Pick	Heckler, James	Plaintiff First	Defense First
Defense Pick	Henry, William	Defense First	Plaintiff First
Defense Pick	Marotte, Judy	Plaintiff First	Defense First
Defense Pick	Sutton, Rose	Defense First	Plaintiff First
Defense Pick	Weis, Janet	Plaintiff First	Defense First
Plaintiff Pick	Barbosa, Manuel	Defense First	Plaintiff First
Plaintiff Pick	Boudreaux, Joseph J., Jr.	Plaintiff First	Defense First
Plaintiff Pick	Ferguson, Patricia	Defense First	Plaintiff First
Plaintiff Pick	Griffin, Clarence, Jr.	Plaintiff First	Defense First
Plaintiff Pick	Guerra, Horacio	Defense First	Plaintiff First
Plaintiff Pick	Hannah, Tommie Lee	Plaintiff First	Defense First
Plaintiff Pick	Jack, Tharon	Defense First	Plaintiff First
Plaintiff Pick	Mingo, Dora	Plaintiff First	Defense First
Plaintiff Pick	Orr, Sharyn	Defense First	Plaintiff First
Plaintiff Pick	Yarnick, David Lynn	Plaintiff First	Defense First

7. **Number of Questioners.** One for each party for each witness.

NEW ORLEANS, LOUISIANA, this 20th day of April, 2016.

  
 UNITED STATES DISTRICT JUDGE