

**In Re Xarelto**  
**MDL No. 2592**

- PTO 31(a) modifies the show cause process for non-CMO 6 cases.
- The new process is similar to, but will streamline, what we have in place now.
- Like the current process, a case is eligible for the show cause list for either overdue or core deficient PFS if the issue is not cured within 20 days of receipt of the deficiency/overdue notice.
- Under the new process, rather than filing motions and scheduling separate hearing dates, the cases will be listed in the monthly conference agendas and noted as a “First Listing” or “Second Listing”.
- Similar to the old process, the parties will continue to meet and confer on the “First Listings” and “Second Listings”, and the agenda will reflect those discussions in terms of which First Listing cases continue on to the next agenda as Second Listings, and which are removed.
- Unlike the old process, there generally will be no argument and no extensions on the “First Listings” and “Second Listings”. The following month’s agenda will simply be updated to reflect the cases that have been cured in that those cases will be removed from the list.
- The exception will be where the parties disagree as to whether a case should be listed. Given the advanced stage of this process, we expect that this will occur in very few instances. The parties generally have been able to resolve any disagreements during the meet and confer process.
- A case must be listed twice on the agenda before the court issues an Order to Show Cause, returnable at the next case management conference, as to why the case should not be dismissed with prejudice.
- For any case that has not cured the deficiency or served a PFS by the third conference, the case is listed on the agenda for dismissal and, following the conference, an order entered dismissing the case with prejudice.
- To the extent that there is any argument to be heard, it will be at this stage of the new process. As history has shown, the large majority of cases are either dismissed or cured by this point in the process. We anticipate argument in very few cases, if any.