

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**IN RE: TAXOTERE (DOCETAXEL)
EYE INJURY PRODUCTS
LIABILITY LITIGATION**

MDL No. 3023

Section: “H” (5)

This Document Relates to:

All Cases

CASE MANAGEMENT ORDER NO. 7
(Exemplar Short Form Complaint)

Pursuant to Case Management Order No. 2 (Doc. 20), Plaintiffs, by and through the Plaintiffs’ Steering Committee (“PSC”), have submitted an exemplar Short Form Complaint. The exemplar Short Form Complaint is attached as Attachment A, and it shall be used by Plaintiffs’ counsel consistent with Case Management Order No. 2. Accordingly, counsel are encouraged to review Case Management Order No. 2 prior to using the attached form provided by the PSC.

Only one Plaintiff (and any secondary/consortium/representative Plaintiff(s) claiming through or on behalf of the Plaintiff) is allowed on each Short Form Complaint. The Short Form Complaint is intended to provide guidance for individual counsel who should refer to the Master Complaints in conjunction with the use of the Short Form Complaint. Individual Plaintiffs’ counsel shall tailor the form to correspond to each Plaintiff’s claims/allegations.

If the Short Form Complaint is a Plaintiff’s original pleading, it must be filed as a new complaint through the Court’s CM/ECF system consistent with the Local Rules¹ and served with a summons, pursuant to Rule 4 of the Federal Rules of Civil Procedure, or pursuant to relevant

¹ See the United States District Court Eastern District of Louisiana’s website for instructions on opening a new case (<http://www.laed.uscourts.gov/case-information/cmecf/efiling-new-case>).

Case Management Orders regarding “streamlined” service of process entered in this MDL, and not filed in the master MDL docket. If the Short Form Complaint is filed as an amended complaint, it should be filed in the member case,² and not in the MDL master file.

For any case in which no Defendant has filed a responsive pleading or a motion directed at the pleadings pursuant to Rule 12 of the Federal Rules of Civil Procedure, Plaintiff need not seek leave to amend until Defendants have filed a Master Answer pursuant to Case Management Order No. 2. For any case in which any Defendant has filed a responsive pleading or a motion directed at the pleadings pursuant to Rule 12 of the Federal Rules of Civil Procedure, whether Plaintiff must seek leave to amend a prior complaint, including by the filing of a Short Form Complaint, shall be governed by Rule 15 of the Federal Rules of Civil Procedure.

If further direction regarding filing is needed, please contact the Court at (504) 589-7707.

If further direction regarding the Short Form Complaint is needed, Counsel may contact Plaintiffs’ Liaison Counsel.

New Orleans, Louisiana, this 18th day of May, 2022.



HON. JANE TRICHE MILAZZO
UNITED STATES DISTRICT JUDGE

² Filing attorneys shall use the event “Taxotere Eye Injury Amended Complaint” located under the Service of Process Category in the Court’s CM/ECF system.

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SECTION: "H" (5)

This Document Relates to:

HON. JANE T. MILAZZO

*[Plaintiff(s)] v. [Defendant(s)], EDLA No.
[xx-xxxx]*

SHORT FORM COMPLAINT

Plaintiff(s) incorporate by reference the Master Long Form Complaints and Jury Demands filed in the above-referenced case on May 13, 2022 (Docs. 25 & 26). Pursuant to Case Management Order No. 2, this Short Form Complaint adopts allegations and encompasses claims as set forth in the Master Long Form Complaints against Defendant(s).

Plaintiff(s) further allege as follows:

1. Plaintiff:

2. Spousal Plaintiff of other party making loss of independent/secondary claim (i.e., loss of consortium):

3. Other type of Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

4. Current State of Residence: _____

5. State in which Plaintiff(s) allege(s) injury: _____

6. Defendants (check all Defendants against whom a Complaint is made):

a. Taxotere Brand Name Defendants

A. Sanofi US Services Inc. f/k/a Sanofi-Aventis U.S. Inc.

B. Sanofi-Aventis U.S. LLC

b. Other Brand Name Drug Sponsors, Manufacturers, Distributors

A. Sandoz, Inc.

B. Accord Healthcare, Inc.

C. McKesson Corporation d/b/a McKesson Packaging

D. Hospira Worldwide, LLC f/k/a Hospira Worldwide, Inc.

E. Hospira, Inc.

F. Sun Pharma Global FZE

G. Sun Pharmaceutical Industries, Inc. f/k/a Caraco Pharmaceutical Laboratories, Ltd.

H. Pfizer Inc.

I. Actavis Pharma Inc.

J. Actavis LLC f/k/a Actavis Inc.

K. Sagent Pharmaceuticals, Inc.

L. Eagle Pharmaceuticals, Inc.

M. Teikoku Pharma USA, Inc.

N. Other:

7. Basis for Jurisdiction:

Diversity of Citizenship

Other (any additional basis for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure):

8. Venue:

District Court and Division in which remand and trial is proper and where you might have otherwise filed this Short Form Complaint absent the direct filing order entered by this Court:

9. Brand Product(s) used by Plaintiff (check applicable);

- A. Taxotere
- B. Docefrez
- C. Docetaxel Injection
- D. Docetaxel Injection Concentrate

E. Unknown

F. Other:

10. First Date and last date of use (or approximate date range, if specific dates are unknown)

for Products identified in question 9:

11. State in which Product(s) identified in question 9 was/were administered:

12. Alleged injury:

13. Counts in Master Complaint brought by Plaintiff(s):

Count I – Strict Products Liability – Failure to Warn

Count II - Negligence

Count III – Negligent Misrepresentation

Count IV – Fraudulent Misrepresentation

Count V – Fraudulent Concealment

Other: Plaintiff(s) may assert the additional theories and/or State Causes of Action against Defendant(s) identified by selecting “Other” and setting forth such claims below if Plaintiff(s) includes additional theories of recovery. The specific facts and allegations supporting additional theories must be pleaded by Plaintiff in sufficient detail as required by the applicable Federal Rules of Civil Procedure.