

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

<b>IN RE: TAXOTERE (DOCETAXEL)</b>	)	<b>MDL NO. 3023</b>
<b>EYE INJURY PRODUCTS</b>	)	
<b>LIABILITY LITIGATION</b>	)	<b>SECTION "H" (5)</b>
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	
<b>ALL CASES</b>	)	

**TAXOTERE SCIENCE DAY PROTOCOL**

On December 19, 2022, the Court will hold a "Science Day" for the Parties to provide the Court with an overview of the general medical and scientific issues in this litigation, presented in an objective direct examination lecture format without advocacy. The Parties shall not provide an overview of threshold product issues with which the Court is already familiar from MDL 2740, such as the history and development of taxanes and the regulatory history. The Parties have agreed to the following ground rules in order to educate the Court on the general medical and scientific issues in a non-adversarial manner:

1. On December 5, 2022, Plaintiffs, Sanofi Defendants, and the 505(b)(2) Defendants each shall submit to Chambers and exchange scientific articles of moderate length discussing medical and scientific issues involved in this litigation. The Plaintiffs may submit two (2), the Sanofi Defendants may submit two (2) articles and the 505(b)(2) Defendants may submit a combined two (2).

2. The parties will make presentations of no more than an hour-and-a-half through one expert witness' direct examination. The 505(b)(2) Defendants reserve the right to call a second expert witness. Should the 505(b)(2) Defendants exercise that right, those Defendants must notify the Plaintiffs by December 2, 2022, of the exercise of this right and the discipline of the second witness. In the event the 505(b)(2) Defendants exercise that right, all Defendants are limited to the hour-and-a-half presentation, must decide among themselves how to divide the allotted time, and

the Plaintiffs have the right to call a second expert. The experts shall not be redundant. There will be no cross-examination.

3. Science Day will follow the approximate schedule below. The Court will have the opportunity to ask questions of the Parties' experts during or after each presentation, and also may ask questions of any experts at the close of each Parties' presentations:

- a. Plaintiffs' presentation and direct examination – 1.5 hours
- b. Defendants' presentation and direct examination – 1.5 hours

4. The presentations may incorporate the use of PowerPoints or other demonstrative aids, which will not be exchanged by the Parties, but which will be provided to the Court on Science Day. The Federal Rules of Evidence will not be enforced during the presentation or during the questioning of experts during or after the presentations.

5. Because the Science Day presentations are purely for the Court's benefit to gather background medical and scientific information, the Court session shall be "off the record," closed to the public and to any persons other than the Parties, admitted counsel for the Parties, the Parties' experts who will make the presentations, and court staff. There will be no court reporter or transcript taken. No recording of the presentation or telephonic access will be permitted; however, the Court may have the proceedings videotaped under circumstances the Court will determine. After viewing by the Court and Court staff, the video will be destroyed. Only the Court may use the video.

6. Neither the PowerPoints or other demonstrative aides nor any statement or presentation by any expert or by counsel during Science Day shall be discoverable, admissible, used in any fashion for impeachment purposes or for collateral attack on any presenter expert or other witnesses, shared beyond the instant litigation, or used for any purpose other than for this Court's benefit to

gather informal knowledge at Science Day. The participation of any expert or physician in Science Day shall not be an independent basis for subjecting them to discovery and shall not waive any consulting expert privilege. No party shall conduct discovery on the presenting experts regarding their presentations or Science Day itself, whether or not later designated as a testifying expert.

7. The Court encourages the parties to confer at least 14 days in advance of Science Day in an effort to avoid repetition.

A handwritten signature in black ink, appearing to read "Jane T. Milazzo", is written over a horizontal line.

**HON. JANE T. MILAZZO**  
**UNITED STATES DISTRICT COURT JUDGE**