

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

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

MDL NO. 16-2740

SECTION H(5)

This documents relates to all cases

PRETRIAL ORDER NO. 82
(Procedure for Adding Sagent Pharmaceuticals, Inc.)

This stipulated order delineates the process for adding Sagent Pharmaceuticals, Inc., as a Defendant in this Multidistrict Litigation.

IT IS HEREBY ORDERED:

1. Plaintiffs, through the PSC, are hereby granted leave to, and shall file, a Second Amended Master Long Form Complaint, naming Sagent Pharmaceuticals, Inc. (“Sagent”) as a Defendant, and shall serve the Second Amended Master Long Form Complaint on Sagent, together with a summons, pursuant to Federal Rule of Civil Procedure 4. Plaintiffs shall file the Second Amended Master Long Form Complaint no later than seven (7) days following entry of this Pretrial Order.
2. The Second Amended Master Long Form Complaint shall be identical to the First Amended Master Long Form Complaint (Rec. Doc. 689), except that Plaintiffs may add allegations upon which they seek to premise liability against Sagent and Actavis LLC f/k/a Actavis Inc. (“Actavis”) and Plaintiffs

may add allegations regarding the transactions involving docetaxel between Sagent and Actavis.

3. No Defendants other than Sagent and Actavis shall plead in response to the Second Amended Master Long Form Complaint, and each Defendant's answer and defenses to the First Amended Master Long Form Complaint is hereby deemed to be its answer and defenses to the Second Amended Master Long Form Complaint.

(a) Actavis shall plead in response to the Second Amended Master Long Form Complaint within 30 days of its docketing. Actavis' answer and defenses to the First Amended Master Long Form Complaint may be incorporated by reference into its answer and defenses to the Second Amended Master Long Form Complaint, except that Actavis also may answer any allegations in the Second Amended Master Long Form Complaint that have been added pursuant to paragraph 2 of this Order, and Actavis may include any additional defenses in response to such allegations.

(b) Sagent shall file an answer in response to the Second Amended Master Long Form Complaint within sixty (60) days of service.

(c) Except for the deadlines contained herein for filing the Second Amended Master Long Form Complaint and for pleading in response to the Second Amended Master Long Form Complaint, the applicable

provisions of PTO No. 15 shall apply to any answer filed by Actavis or Sagent to the Second Amended Master Long Form Complaint.

4. For all Short Form Complaints filed in this MDL, the first sentence of the Short Form Complaint is hereby amended to read as follows: “Plaintiff(s) incorporate by reference the operative Master Long Form Complaint and Jury Demand filed in the above-referenced case.” Any Plaintiff wishing to name Sagent as a Defendant in a particular case shall add “Sagent Pharmaceuticals, Inc.” to the box provided in the Short Form Complaint for identifying any “other” Defendant(s). (Paragraph 6(b)(K) of the version of the Short Form Complaint approved by the Court pursuant to PTO No. 73, effective as of January 4, 2018 (Rec. Doc. 1463-1)). The filing of a Short Form Complaint naming Sagent or Actavis pursuant to the provisions of this Pretrial Order as a Defendant(s) does not trigger any responsive pleading deadline, pursuant to PTO No. 42, all provisions of which shall apply to Sagent and Actavis.

New Orleans, Louisiana, this 20th day of September, 2018.



JAKE TRICHE MILAZZO
UNITED STATES DISTRICT JUDGE