UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA

IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION

MDL NO. 2740

SECTION "H" (5)

THIS DOCUMENT RELATES TO CERTAIN CASES

HON. JANE TRICHE MILAZZO MAG. JUDGE MICHAEL NORTH

ORDER ON CMO 33 AND 34 CASES

CMO 33 set forth the procedure for the selection, discovery and remand for Wave 1. (Rec. Doc. 13946.) CMO 34 listed the 200 cases selected either randomly or by the parties. (Rec. Doc. 14045.) CMO 33 directed the parties to meet and confer to determine whether the evidence produced by a particular plaintiff met the eligibility requirements for Wave 1 participation. Plaintiffs have dismissed some such cases; the parties agree others are ineligible to proceed with discovery at this time under CMO 33; and Sanofi has not challenged the eligibility on other cases. Where the parties could not agree on eligibility, CMO 33 directed that the matter should be brought to the Court. Accordingly,

IT IS ORDERED that on June 2, 2022, the parties shall submit to the Court a binder of the evidence related to the dispute on each case.

IT IS FURTHER ORDERED that on May 25, 2022, individual counsel in the remaining Wave 1 cases shall provide to liaison counsel a list of Wave 1 cases lacking updated authorizations and/or updated verification of their Plaintiff Fact Sheet, physically signed by the Plaintiff.

Plaintiffs who have dismissed their cases, who the parties agree are ineligible under CMO 33, or who did not need to submit updates are not included in this requirement.

IT IS FURTHER ORDERED that the hearing on the eligibility of selected cases is SET for June 3, 2022, at 10:00 a.m. The call-in information for this hearing will be disseminated on a later date.

IT IS FURTHER ORDERED that following the hearing, Plaintiffs' Co-Liaison Counsel shall submit to the Court the list of cases to proceed with discovery under Wave 1, which shall constitute CMO 34A.

New Orleans, Louisiana, on this 23rd day of May, 2022.

UNITED STATES DISTRICT JUDGE