

MINUTE ENTRY
NORTH, M.J.
AUGUST 7, 2018

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY
LITIGATION

MDL NUMBER: 2740

SECTION: "H"(5)

THIS DOCUMENT RELATES TO
ALL CASES

A further discovery/status conference was held on this date in the presence of a Court Reporter (Karen Ibos).

PRESENT:

Chris Coffin
Karen Menzies
Palmer Lambert
Andrew Lemmon

John Olinde
Kelly Brilleaux
Patrick Oot
Kelly Bieri

PARTICIPATING BY
PHONE:

Kathleen Kelly
Mike Suffern
Brandon Cox
Mara Cusker Gonzalez
Beth Toberman
Suzy Marinkovich
Adrienne Byard

Alexander Dwyer
Andre Mura
Daniel Markoff
David Miceli
Darin Schanker
Scot Kreider

The Court issued the following rulings:

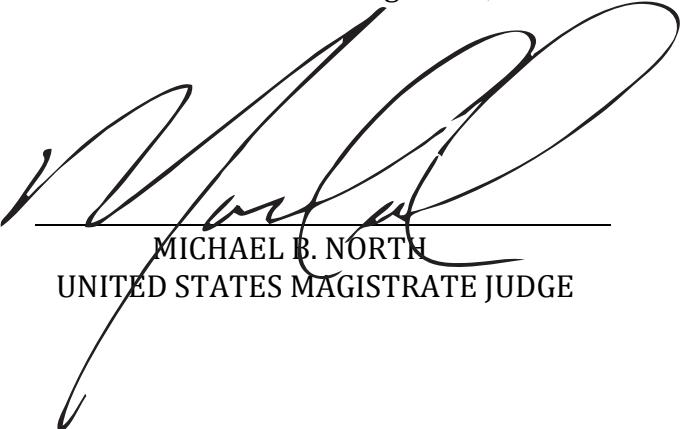
1. Sanofi shall provide to the PSC no later than Friday, August 18, 2018, a supplemental and amended summary of Sanofi's records retention policies to include the following information: (a) the categories of records that each identified custodian would have had in his or her possession; (b) whether any custodian was subject to a litigation hold and, if so, the name of the litigation, when the hold was triggered and when the hold ended, if it did end; (c) as to

records of custodians who left the company, the identity of each custodian's manager who reviewed and reassigned or destroyed those records, where or with whom any reassigned records were located and whether reassigned records still exist. Additionally, the explanations provided by counsel for Sanofi in his July 18, 2018 letter to the PSC concerning perceived gaps in the Plaintiffs' ESI productions are to be incorporated into the supplemental and amended summary.

2. At this time the Court declines to take further action concerning the format of Plaintiffs' ESI productions, *i.e.*, whether those productions include metadata and are searchable. The Court may address this issue further at the next status conference.
3. The PSC shall produce to the Court for *in camera* inspection the correspondence from Bachus & Schanker, LLC to Plaintiff, Kimberly Free, referenced in the parties' submissions to the Court.
4. The PSC shall produce to the Court its email of May 18, 2018 (transmitting this Court's Discovery Order of May 9, 2018 to Plaintiffs' counsel); the March 29 and April 18, 2018 and September 27, 2017 reminders to Plaintiffs' counsel concerning their ESI obligations and the July 14, 2017 correspondence concerning ESI guidance.
5. Sanofi is not entitled to an affidavit from the PSC concerning its interactions with Shirley Ledlie.
6. The PSC is to provide to the Court for *in camera* review the records of Dr. Thompson's meeting with any trial Plaintiff with whom he met.

7. No later than Friday, August 18, 2018, the parties are to submit briefs on the issue whether the withheld punch biopsy reports resulting from Dr. Claiborne's scalp biopsies of certain Plaintiffs should be produced as "objective results of any testing of"¹ samples taken by Dr. Claiborne. Those briefs shall not exceed 10 pages double-spaced.

The next in-person discovery status conference will be held on August 28, 2018 at 10:00 a.m.



MICHAEL B. NORTON
UNITED STATES MAGISTRATE JUDGE

¹ (Rec. doc. 3074).