UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

In Re: TAXOTERE (DOCETAXEL) PRODUCTS LIABILITY LITIGATION

MDL NO. 2740

SECTION "N" (5)

THIS DOCUMENT RELATES TO
ALL CASES

PRETRIAL ORDER NO. 10
(Order Regarding the Scope of the Taxotere (Docetaxel) MDL)

Upon inquiry by Liaison Counsel, this Court, on December 29, 2016, sought clarification from the Judicial Panel on Multidistrict Litigation relative to the scope of MDL No. 2740, *In re: Taxotere (Docetaxel) Products Liability Litigation*. See Attachment "A". On January 4, 2017, the Honorable Sarah S. Vance, Chair of the Judicial Panel on Multidistrict Litigation, issued a letter regarding the Panel's intent relative to the initial October 4, 2016 Transfer Order (Rec. Doc. 1). See Attachment "B". As stated in the December 29, 2016 letter, the Court will proceed accordingly.

New Orleans, Louisiana, this 10th day of January 2017.

KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE

ATTACHMENT A

UNITED STATES DISTRICT COURT
Eastern District of Louisiana
500 Poydras Street, Chambers 367
New Orleans, Louisiana 70130

Kurt D. Engelhardt
Chief Judge

December 29, 2016

The Honorable Sarah S. Vance, Chair
Judicial Panel on Multidistrict Litigation
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, NE
Room G-255, North Lobby
Washington, DC 20544-0005

Re: *In Re: Taxotere (Docetaxel) Products Liability Litigation*, MDL 2740

Dear Judge Vance,

I write to seek clarification concerning the scope of the October 4, 2016 Order of the Judicial Panel on Multidistrict Litigation forming MDL No. 2740, *In re: Taxotere (Docetaxel) Products Liability Litigation.* (Doc. No. 81). I have been informed by counsel for Sanofi-Aventis U.S. LLC that branded Taxotere lost patent protection in late 2010. I am also informed that approximately half of the cases currently pending in this MDL (which allege a date of exposure) assert product use during 2011 or later. As a result, Counsel have indicated some of these actions either involve traditional generic manufacturers or quasi-generic manufacturers, whose products obtained FDA approval under 21 U.S.C. § 505(b)(2) rather than through the more traditional generic approval under 21 U.S.C. § 505(j).

In addition to the Sanofi entities, various other docetaxel manufacturers have been named as defendants in cases either transferred to, or directly filed, in this MDL. I am informed by the parties that cases naming non-Sanofi docetaxel manufacturers were included within the inventory of cases originally transferred to this Court pursuant to the aforementioned order. Counsel representing Sandoz Inc. and Hospira, Inc., both manufacturers of docetaxel, have since made appearances in MDL No. 2740. Lastly, I am informed that cases naming no Sanofi entity, but only other docetaxel manufactures (i.e., Hospira), have recently been tagged for transfer to this MDL.

In light of the above, I request clarification whether it was the Panel's intention to include within this MDL cases against only the brand Sanofi entities or cases against all manufacturers

of docetaxel (other than the Sanofi entities)? Upon notification, the Court will take action accordingly. Either way, rest assured that this matter is and will continue to proceed with diligence.

With kind regards, I remain

Very truly yours,

KURT D. ENGELHARDT
United States District Judge

KDE/sa

ATTACHMENT B

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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Sarah S. Vance
United States District Court
Eastern District of Louisiana

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New Orleans, LA 70130

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January 4, 2017

Honorable Kurt D. Engelhardt
Chief Judge
United States District Court
Hale Boggs Federal Building
United States Courthouse
500 Poydras Street, Room C-367
New Orleans, LA 70130

Re: Inquiry of December 29, 2016

Dear Kurt:

I write in response to your inquiry of December 29, 2016 concerning whether the Panel's order in MDL No. 2740, In re: Taxotere (Docetaxel) Products Liability Litigation was intended to include within its scope only cases against the Sanofi brand entities or cases against all manufacturers of docetaxel. The Panel's order, as reflected in the title of the MDL, was intended to include cases against non-Sanofi/generic manufacturers of docetaxel that allege common issues. In addition, since the MDL was formed, we have reviewed potential tag alongs that named generic manufacturers and concluded that they shared sufficient factual questions (allegations of a common injury after taking the drug) with MDL 2740 to warrant placing them on Conditional Transfer Orders.

Thank you again for taking this assignment. Let us know if we can be of further assistance.

Sincerely,

Sarah Vance

Sarah S. Vance
Chair

cc: Thomasenia Duncan, Panel Executive