

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

AMENDED PRETRIAL ORDER NO. 60
(Order Regarding the Collection of Data of Potential Claimants by the Plaintiffs’ Settlement Committee)

Scope and Applicability – “Responsible Attorney(s)” and “Covered Individual(s)”

1. This order shall govern the gathering of certain information by the Plaintiffs’ Settlement Committee appointed by this Court.¹ The goal of this Order and related process is to identify, both now and during the pendency of this matter, any and all individuals with potential docetaxel-related permanent hair loss claims, and thus any and all putative claimants who may be eligible to participate in any future resolution system.
2. This Order and its requirements apply to all attorneys and law firms (and their co-counsel) who have a case now pending, as well as those with a case later filed in, transferred or removed to MDL No. 2740 (*In Re: Taxotere (Docetaxel) Products Liability Litigation*). This Order and its requirements further apply to all attorneys and law firms who participate or will participate in MDL No. 2740 common benefit work or expense, including all attorneys who sign, have signed or who are deemed to have signed the Participation Agreement (Exhibit A to PTO 19). Finally, even for those attorneys or law firms not specifically covered previously in this paragraph, voluntary participation is strongly encouraged by this Court so that such other claimants may have the opportunity to participate in any eventual resolution process.

¹ This Order amends and completely supersedes Pretrial Order No. 60 (Rec. Doc. 819), previously issued by this Court on September 7, 2017.

To that end, this Order and its requirements may later be deemed to require compliance by all attorneys and law firms (who have notice of this Order) so that they and their clients may be eligible to participate in a future resolution system. Each aforementioned attorney/law firm to whom this Order applies shall be referred to hereafter as “Responsible Attorney(s).”

3. Any Responsible Attorneys who fail to comply with this Order may be subject to enforcement measures by the Court, and may be prohibited from participating in any MDL No. 2740 future resolution system.
4. The information and data reporting requirements of this Order shall apply only with regard to those individuals whose use of docetaxel and permanent hair loss (of some degree) have been confirmed by counsel for said claimant. These individuals will be referred to hereafter as “Covered Individual(s).” Information and data regarding individuals awaiting such confirmation should not be included (unless and until such confirmation is received).

Reporting Requirements – by “Covered Individual(s)”

For each Covered Individual represented by a Responsible Attorney, such Responsible Attorney shall report the following information/data (on an Excel spreadsheet in the format of Exhibit A hereto): *Responsible Attorney and Law Firm Name, Covered Individual Name, Date of Birth, City in which Docetaxel was Ingested, State in which Docetaxel was Ingested, Name of Facility where Docetaxel was administered (if known), Start Date of Docetaxel Use, Stop Date of Docetaxel Use, Name of Docetaxel Manufacturer(s) (drop-down provided), Filing Status (filed/unfiled), Filing Jurisdiction (if applicable), Cause Number (if applicable).*

The Responsible Attorney shall be as complete and accurate as possible and report and verify all reported information to the best of his/her knowledge and ability.

Reporting Periods

5. At some time between September 11 and October 31, 2017 (and no later than October 31, 2017), each Responsible Attorney shall upload the required data/information in a completed spreadsheet, in the format of Exhibit A hereto, to MDL Centrality via the “Plaintiffs Only” portal (Plaintiffs Only access and uploading instructions can be found on the MDL Centrality site). Responsible Attorneys who have not yet registered with MDL Centrality can gain access via email request to taxotere@browngreer.com.
6. Following the submission required by paragraph 5 above, Responsible counsel shall regularly supply updated data/information to MDL Centrality via the “Plaintiffs Only” portal. Each updated submission shall be made on and to the Responsible Attorney’s spreadsheet and shall be *comprehensive*, including individuals, data and information previously reported along with any new individuals, data and/or information highlighted in yellow. Should any previously reported individual(s) need to be removed for any reason (including because they are no longer represented by the Responsible Attorney, or because their potential claim is no longer believed to have merit), those individuals should be promptly and clearly identified by counsel. Responsible Attorneys should regularly update their spreadsheets so as to keep their submissions as current as possible, and Responsible Attorneys are ***required*** to ensure that Covered Individuals’ identification and data/information are current at the end of each quarter (December 31, March 31, June 30, and September 30) of each year.

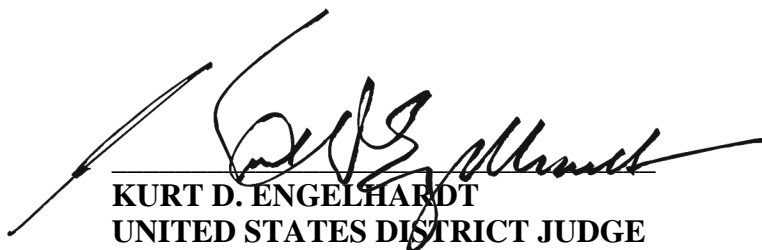
Confidentiality/Privilege

7. The raw information and data provided in compliance with this Order shall only be shared with representatives of the Plaintiffs’ Settlement Committee and/or their representatives/designees and shall be otherwise kept confidential. As the information and data provided in compliance with this Order are likely to be utilized by the Plaintiffs’

Settlement Committee as part of its analysis of the strength of the case(s) and potential case qualification or exclusion criteria, and in furtherance of settlement, it shall be presumed to be Plaintiffs' "work product" by this Court. The raw information and data provided in compliance with this Order shall not be shared with representatives of any MDL No. 2740 (past, present or future) Defendants, their counsel, or their affiliates. Brown Greer shall maintain the provided information and data in a secure database accessible only by members of the Plaintiffs' Settlement Committee and/or their representatives/designees. In no circumstance shall any information or data provided in compliance with this Order be used against a Covered Individual by any Defendant or their counsel (past, present or future) in this litigation. While the information provided must be as complete and accurate as possible, it shall not be binding upon any Covered Individual.

8. Should this litigation advance to the point where a resolution program is underway, the Court may then address methods and vehicles for Responsible Attorneys and Covered Individuals to provide similar information to the Defendants for their review, analysis and verification.

New Orleans, Louisiana, this 15th day of September 2017.


KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE

MDL No. 2740 in Re: Taxotere (Docetaxel) Products Liability Litigation
 STC No. Potential Claimant Data Report
 CONFIDENTIAL WORK PRODUCT - FOR SETTLEMENT COMMITTEE PURPOSES ONLY

| Responsible Attorney and Firm Name | Law | Covered Individual Last Name | First Name | Date of Birth | City of Docetaxel Ingestion | State of Docetaxel Ingestion | Name of Docetaxel Administration Facility (if known) | Docetaxel Start Date | Docetaxel Stop Date | Docetaxel Manufacturer | Filing Status | Filing Jurisdiction | Cause Number |
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Exhibit "A"