

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

In Re: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY
LITIGATION

MDL NO. 2740

THIS DOCUMENT RELATES TO:
ALL CASES

SECTION "N" (5)

PRETRIAL ORDER NO. 68
(October 27, 2017 Conference of the Steering Committees)

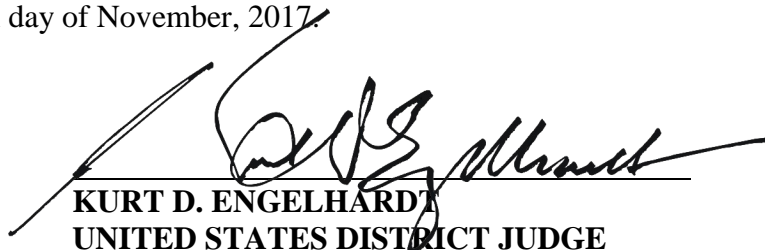
The Court held a Steering Committees conference of appointed counsel for Plaintiffs and Defendants on October 27, 2017. As discussed during the conference, **IT IS ORDERED** that:

1. On or before **Thursday, November 2, 2017**, Plaintiffs, through the Plaintiffs' Steering Committee ("PSC"), shall submit via email to the Court the "Guidance Regarding Potential Sources of Electronically Stored Information" previously agreed to among the parties and distributed by the PSC to all Plaintiffs' counsel. On or before **Thursday, November 2, 2017**, the PSC and the Defendants shall each separately submit: 1) any proposed amendments to the "Guidance Regarding Potential Sources of Electronically Stored Information;" and/or 2) protocols or instructions that the parties believe will resolve the concerns raised by Defendants in the October 27, 2017 Steering Committees conference regarding Plaintiffs' counsel's Electronically Stored Information ("ESI") obligations set forth in the Plaintiff Fact Sheet (Rec. Doc. 236-1).
2. Defendants shall submit a revised proposed Order to Show Cause whereby the plaintiffs identified in Appendices C and D of Joint Report No. 5 (Rec. Doc. 839) that remain deficient as of October 27, 2017 are required to show cause why their case should not be dismissed with prejudice for failure to comply with Amended Pretrial

Order No. 22 (Rec. Doc. 325) in a written submission of no more than two pages double-spaced. Defendants are not required to submit a response unless otherwise ordered by the Court.

3. Pursuant to the revised Plaintiff Fact Sheet (Rec. Doc. 236-1), each plaintiff shall produce representative photographs that have meaning and provide insight into her hair at times relevant to her case. This is best demonstrated with dated photos taken both before and after the Taxotere/docetaxel treatment. For clarity, “before” photographs shall be dated; should be portrait-type photographs taken closest in time to starting treatment; and, in any event, should be no earlier than five (5) years prior to infusion. The photographs should clearly depict the condition of the plaintiff’s hair. The plaintiff should not wear wigs, scarves, hats or any other accessories which conceal or cover her hair in the photograph. Notwithstanding the clarifications herein, which are intended to reduce disputes regarding the sufficiency of photographs, the Plaintiffs’ obligations as set forth and described in the PFS remain intact and are not altered by this Order.

New Orleans, Louisiana, this 9th day of November, 2017.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE