

FILED

FEB 08 2019

JOHN C. PORTO, J.S.C.

IN RE ABILIFY

:
 : SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION: ATLANTIC COUNTY
 :
 : CASE TYPE: MCL NO. 626
 :
 : MASTER DOCKET NO. ATL-L-1098-18
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 : Hon. John C. Porto, J.S.C.
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 : Civil Action
 :
 : **IN RE ABILIFY**
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CASE MANAGEMENT ORDER NO. 2

THIS MATTER having come before the Court for centralized management by the Superior Court in Atlantic County by Order of the Supreme Court of New Jersey, dated May 7, 2018; and the Court having held the Second Case Management Conference on January 17, 2019; and the parties having met and conferred, and for good cause shown:

IT IS on the 8th day of February, 2019, ORDERED as

follows:

FILING OF MASTER/SHORT FORM COMPLAINTS & MASTER ANSWERS

1. On December 31, 2018, this Court entered the Master Long Form Complaint and Short Form Complaint Implementation Order.
2. On January 2, 2019, Plaintiffs' Co-Liaison Counsel filed the Master Long Form Complaint in the Master Docket No., pursuant to the Court's Order.
3. On or before January 18, 2019, Plaintiffs' Co-Liaison Counsel shall file the Master Short Form Complaint and serve on all counsel of record.

4. On or before March 1, 2019, all Plaintiffs' counsel shall file short form complaints pursuant to the Court's December 31, 2018 Implementation Order.

5. On or before February 25, 2019, Defendants shall file their respective Master Long Form Answers and Proposed Master Answer Implementation Order.

OUTSTANDING GENERAL DISCOVERY ISSUES

6. On or before February 25, 2019, Defendants shall provide written responses and document production regarding Plaintiffs' Supplemental Requests for Production of Documents and Electronically Stored Information that was served on November 13, 2018. The parties will then meet and confer regarding the sufficiency of Defendants' responses and any corresponding document production.

7. On or before February 25, 2019, Defendants will provide a written response to Plaintiffs' November 13, 2018 deficiency letter requesting Defendants to produce sales and profits information concerning Abilify since 2002.

8. Prior to the next Case Management Conference, the parties will meet and confer regarding the scheduling and scope of Plaintiffs' deposition notices served on January 14, 2019.

BELLWETHER TRIAL POOL AND AMENDED SCHEDULING ORDER

9. The parties shall continue to meet and confer regarding the agreed upon discovery pool as well as an amended scheduling order, including a trial date that does not conflict with the MDL trial schedule.

10. On or before January 28, 2019, plaintiffs' counsel for Mr. Kamenetsky (ATL-L-001116-18) shall submit to the Court for *in camera* review an explanation as to why the case is not representative as a bellwether trial pool case.

11. Prior to the next Case Management Conference, the parties shall continue to meet and confer regarding the case specific discovery issues in Youngman (ATL-L-1101-18), including e-mail search terms and a forensic inspection requested by Defendants.

12. Prior to the next Case Management Conference, the parties shall continue to meet and confer regarding Defendants' request for a second deposition of Plaintiff John McConnell (ATL-1103-18). If no agreement can be reached, the parties will re-submit for *in camera* review the correspondence previously submitted for Judge DeLuca's review prior to the formation of this MCL.

ESTABLISHING PROCESS FOR ADDITIONAL CASES

13. The parties shall continue to meet and confer regarding the appropriate scope and forms for the remaining filed cases, including the Plaintiff Profile Form and Supplemental Plaintiff Profile Form. For any case that the Court orders as part of the trial pool, the parties will continue to utilize the stipulated Plaintiff Fact Sheet previously submitted to Judge Martinotti.

NEXT CASE MANAGEMENT CONFERENCE

14. The next Case Management Conference is scheduled for February 14, 2019 at 9:30 a.m. The parties shall submit a proposed joint agenda to the Court listing the issues for the case management conference, via e-mail, no later than 4 p.m. on February 8, 2019. Counsel for Plaintiffs shall circulate a dial-in to all counsel of record and the Court prior to the conference.



Hon. John C. Porto, J.S.C