

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE: ACTOS (PIOGLITAZONE)
PRODUCTS LIABILITY LITIGATION

MDL No. 6:11-md-2299

JUDGE DOHERTY

This Document Applies To:

MAGISTRATE JUDGE HANNA

All Cases

CASE MANAGEMENT ORDER: NOTICE PROCEDURE

This Court having considered in the above captioned multidistrict litigation (“MDL”), the size of this case, the critical importance of efficient use of resources available to it and the Clerk’s Office, and the current number of Notices of Electronic Filing (“NEFs”) that are sent out when a filing is made—“spread texted” to all—in the main case, now issues this Order delegating to Plaintiffs’ Steering Committee (“PSC”) Liaison Counsel and Co-Lead Counsel for the Defendants the responsibility of “noticing” or sending out NEFs to all counsel in the MDL.

There are in excess of 42,000 NEFs generated when a filing in the main case is spread to all member cases. Generating these NEFs takes the Court’s CM/ECF system hours to complete and locks the system during that time, i.e., no other filings can be made in the MD 2299 or its associated member cases.

Consequently, to alleviate this burden on the system and the Court’s servers, on Sunday, October 13, 2013, the Western District of Louisiana will **discontinue** noticing in the member cases of this MDL. This change is necessary, in part, to better manage the resources on the Court’s server for public use.

Going forward, **effective Monday, October 14, 2013**, NEFs will be sent as follows: the CM/ECF system will send NEFs to the Special Masters, the PSC, Lead Defense Counsel, and Defendants' and Plaintiffs' designees. The designees will forward the NEFs to the appropriate attorneys, depending on whether the pleading or filing relates only to a member case, or is to be "spread texted" to all. Consequently, considering the foregoing the new noticing procedure is implemented in the following particulars:

1. Designation of Noticing Counsel

Consistent with the parties' recommendations and determinations made by this Court,

IT IS ORDERED that Plaintiffs' Liaison Counsel, Mr. Patrick C. Morrow, be and is hereby designated with the task of noticing or issuing NEFs to all appropriate plaintiffs ("Plaintiffs' Designee"). Further, Mr. Morrow, will receive NEFs from the Court's CM/ECF system at the email address provided, **actosliaison@mmrblaw.com**.

IT IS FURTHER ORDERED that Defendants' Co-Lead Counsel, Ms. Sherry Knutson, be and is hereby designated with the task of noticing or issuing NEFs to all appropriate defendants ("Defendants' Designee"). Further, Ms. Knutson, will receive NEFs from the Court's CM/ECF system at the email address provided, **ActosMDLNEF@sidley.com**.

2. E-mail Registries

Consistent with this Court's Order: Contact Information [Doc. 2515], *all plaintiffs' attorneys and pro se litigants have an obligation to maintain current e-mail addresses with Plaintiff's Liaison Counsel*. This Court reminds all plaintiffs' attorneys and pro se litigants of their obligation pursuant to that Order and Local Rule 11.1.

Both designees for the PSC and the Defendants, are to maintain a “registry” or “database” of all counsel’s current e-mail addresses that NEFs are distributed to, in a given month¹, which will ultimately be filed into the record as described below.

3. Noticing Procedure

The designees for both the PSC and Defendants will receive the NEF summaries daily to the email address listed above. Upon receipt of the NEFs, both shall provide notice of the filings by disseminating the NEFs, and pertinent information from the NEFs, including any case number, the relevant document number, date of the filing, and a brief description of the filing, in summary form to the appropriate attorneys, in their respective registries.

4. Time

Upon receipt of a NEF from the Court’s CM/ECF system, each Designee shall forward the NEF to the appropriate parties within three (3) days, except for good cause shown.

5. Filing Monthly Reports

Both Plaintiffs’ Designee and Defendants’ Designee will keep a record of every NEF that is sent out, and to whom that notice was sent, according to the monthly report template (“Monthly Report”). *See* Exhibit A. Every month on the 15th of that month, or the following business day, the Designee will file into the record the Monthly Report and accompanying e-mail registry for that month.

The Designees are cautioned that their monthly e-mail registry will require periodic updates, with both the date and the changes made on that date clearly recorded and filed into the record along with the Monthly Report.

¹ This Court expects any changes to the registry will be documented on the registry for a given month.

6. Individual Attorney Action

Each attorney in the MDL is required to keep their contact information current with Liaison Counsel pursuant to this Court's Order [Doc. 2515] and Local Rule 11.1.

The Court FURTHER ORDERS that attorneys will no longer receive a "no activity" report, as found in their respective CM/ECF options. This Court will update all attorney CM/ECF accounts to reflect this change and no individual action need be taken by an attorney.

IT IS FURTHER ORDERED that attorneys are NOT to select "No Activity Report" in their CM/ECF options menu.

If an attorney has questions regarding this new noticing procedure, he or she is advised to contact the appropriate designee, Mr. Morrow for the plaintiffs and Ms. Knutson for defendants. Should an attorney want a PDF copy of a filing, they can log on to PACER via the link that will be provided (but may be charged) or contact their designee for a courtesy copy.

7. Additional Information

Counsel are advised that the changes to the noticing procedure does not affect how pleadings are filed. The FILING and SPREAD TEXTING procedure remains unchanged.

THUS DONE AND SIGNED this 10 day of October, 2013.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE