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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

IN RE ACTOS (PIOGLITAZONE) PRODUCTS LIABILITY LITIGATION	MDL No. 6:11-md-2299
	JUDGE DOHERTY
This Document Applies to: All Cases	MAGISTRATE JUDGE HANNA

CASE MANAGEMENT ORDER:
PERIODIC REVIEW PROCESS

Pursuant to the Case Management Order: Plaintiffs' Steering Committee [Rec. Doc. 560] issued by this Court on April 13, 2012, wherein this Court reserved the right to "determine whether the membership of the Plaintiffs' Steering Committee ("PSC") should remain in place or should be adjusted to allow better, or more efficient, performance of the duties assigned herein…" this Court now issues the particular procedure for this Review Process.[1]

I. Scope

This Order will govern the procedures affording MDL attorneys a mechanism to bring forward any concerns, comments, or suggestions about the administration of this MDL, the PSC, or the Special Masters.

II. Date of Reviews

This Court will issue a Minute Entry setting all relevant dates including, the date of the in-person sessions, and any applicable deadlines (*i.e.*, for written comment by MDL attorneys).

[1] The Review Process will be conducted annually to ensure that the mechanisms put into place by this Court are still the most efficient, and the best way to administer this MDL.

III. Comment by MDL Attorneys

A. Procedure

Any MDL attorney who wishes to communicate any comments, concerns, or suggestions concerning the PSC, the administrative of this MDL, or any aspect of the Special Masters' appointment and functioning in these proceedings must do so *in writing*. All writings shall be submitted in the manner established by minute entry, no later than ten (10) days prior to the scheduled in-person review session, unless specified otherwise in a corresponding minute entry. Where the subject matter of concern is the PSC, an attorney comment must be submitted to Deputy Special Master DeJean; where the subject matter of concern is the administration of these MDL proceedings, an attorney comment must be submitted to Special Master Russo; and where the subject matter of concern is the Special Masters, an attorney comment must be submitted directly to this Court.

Special Master Russo and Deputy Special Master DeJean will remove from any comments submitted to them anything that can adversely affect the impartiality of the Court. Once this process has been completed, both Deputy Special Master DeJean and Special Master Russo will present all comments to the Court for review. At that time, this Court will review the written comments and thereafter, address any issues or concerns that need be addressed.

IV. PSC Executive Committee Report

A. Procedure

The Executive Committee of the PSC will prepare a PSC Executive Committee Report ("Report") that will be submitted to this Court through Special Master Russo addressing the following particulars: (a) outlining workflow (*i.e.*, how much work is allocated to the PSC, how much work is being completed by attorneys outside the PSC, etc.); (b) discussing the

cohesiveness of the PSC membership; (c) addressing the PSC's efficiency in steering the MDL; and (d) any concerns that the Executive Committee has regarding any issue related to the administration of these proceedings. All information in this Report is to be prepared generally so as to **not** convey substantive or strategic information about the case.

This Report shall be submitted to Special Master Russo no later than ten (10) days prior to the scheduled in-person review session, unless specified otherwise in a corresponding minute entry.

V. In-Person Review Sessions

This Court and Magistrate Judge Hanna, on the date designated in a corresponding Minute Entry, shall hold closed discussion sessions individually, with the Defendants' Lead Counsel, and thereafter, the PSC's Executive Committee. ("Review Session")

A. Structure

The Court will meet with counsel from each side individually and hold frank, closed-door conversations to evaluate the administrative elements of this MDL. The Court will begin the breakout sessions with the Defendants' Lead Counsel, and finish with the PSC's Executive Committee.

B. Time

The Review Session will last as long as necessary to allow counsel to discuss freely any concerns, comments, or suggestions they may have regarding the level of this Court's involvement in day-to-day management of these proceedings, the Special Masters functioning, the PSC's structure and membership, the Defendants' Lead Counsel, and interaction with the Court.

C. Tone

The Review Session is intended to be an open session where counsel can freely and candidly discuss with the Court and Magistrate Judge Hanna any concerns, suggestions, or comments they may have regarding the MDL and its administration.

D. Substance

Any administrative concerns counsel wish to discuss with the Court shall be discussed in the Review Session. However, counsel are cautioned and warned that only discussions on **administrative matters** will be allowed. Any reference to, or substantive discussion of, anything relating to the case will not be allowed, and any breach of this rule, no matter how slight, will NOT be tolerated. The process will be conducted with the utmost fairness to both the Defendants and the Plaintiffs.

VI. Amendment

Once the review process has been completed in January 2013, this Court may amend this Order and the Review Process described herein, if it appears that such an amendment is necessary to better serve the interests of all involved. Future reviews will be conducted pursuant to this Order and future corresponding minute entries.

CONFIDENTIALITY: All materials submitted in accordance with this Order are for the **exclusive use** of this Court and shall not be seen by any other party. Once the Review Process is complete, all information will be shredded and disposed of.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 2 day of January, 2013.

REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE