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JUN 11 2014

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, 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:
SECOND PERIODIC REVIEW

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 . . .," the Second Periodic Review will take place over the next two months and will culminate in this Court meeting with lead counsel for the defense and with the PSC Executive Committee *on the afternoon of Wednesday, August 20th, 2014 beginning at 2:00 p.m.*

I. Scope

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

II. Comment by MDL Attorneys

Any MDL attorney who wishes to communicate any comments, concerns, or suggestions concerning the PSC, the administration 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 no later than August 1, 2014. Written responses to this Order shall be submitted as follows:

- Where the subject matter of concern is the PSC, an attorney comment must be submitted to Deputy Special Master DeJean. Such comments shall be sent via email with a request for delivery confirmation to: **kwdejean@kwdejean.com**.
- Where the subject matter of concern is the administration of these MDL proceedings, an attorney comment must be submitted to Special Master Russo. Such comments shall be sent via email with a request for delivery confirmation to: **grusso@joneswalker.com**.
- Where the subject matter of concern is the Special Masters, an attorney comment must be submitted directly to this Court. Such comments shall be sent via email with a request for delivery confirmation to: **Hanna_MDL_orders@lawd.uscourts.gov**.

Special Master Russo and Deputy Special Master DeJean will remove from any comments submitted to them anything that has the potential to 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 to be addressed.

III. PSC Executive Committee Report

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. The Report submitted by

the Executive Committee in response to this Court's request during the first periodic review contained precisely the type of information that should be included once again.

This Report shall be submitted to Special Master Russo *no later than Monday, August 4, 2014*.

IV. In-Person Review Sessions

This Court and Magistrate Judge Hanna, on August 20, 2014, 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

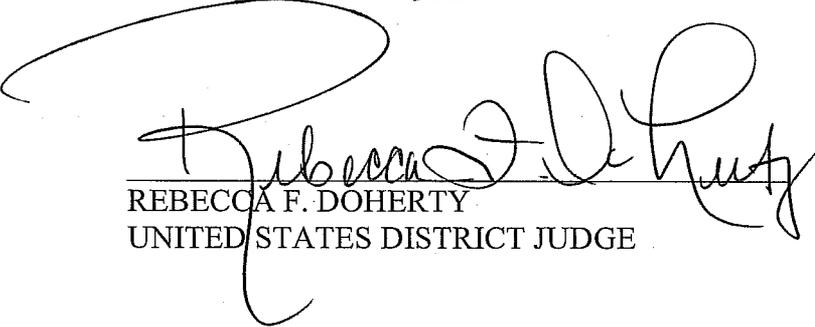
The Review Session is intended to be an open session where counsel can freely and candidly discuss with the Court and Magistrate Judge Hanna any concerns, suggestions, or comments they may have regarding the MDL and its administration.

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, any substantive matter will not be allowed, and will be vigorously addressed by the Court. The process will be conducted with the utmost fairness to both the Defendants and the Plaintiffs.

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 11th day of June, 2014.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE