

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

IN RE: ACTOS (PIOGLITAZONE))
PRODUCTS LIABILITY)
LITIGATION)

MDL No. 6:11-md-2299

JUDGE DOHERTY

MAGISTRATE JUDGE HANNA

This Document Applies to:)
)
ALL CASES)
/

**CASE MANAGEMENT ORDER REGARDING APPROVAL OF
SETTLED ACTIONS AND SETTLED CLAIMS INVOLVING
DEATH OR INCAPACITY OF A PRODUCT USER**

This Cause comes before the Court upon the Parties Joint Motion for Entry of a Case Management Order Relating to Approval and Dismissal of Settled Actions and Settled Claims Involving Death or Incapacity of a Product User (DE 6305). The Court has reviewed the Motion and is otherwise fully informed of the premises. Accordingly, it is

ORDERED and ADJUDGED that the Motion be and is hereby
GRANTED as follows:

The purpose of this Order is to establish modified procedures for ensuring timely Court notification and prompt approval and dismissal of claims involving deceased or incapacitated claimants. These comprehensive procedures will allow the Court to exercise appropriate control of its docket while aiding the Parties' ability to complete the settlement process. This Order applies to all Parties as defined by the Actos (Pioglitazone) Product Liability Litigation Master Settlement Agreement ("Actos Resolution Program").

When all claims of a deceased or incapacitated Actos¹ user in a particular action settle, Plaintiff may file a Motion for Report and Recommendation to Approve Settlement attached as Exhibit B with Magistrate Judge Hanna. Upon review of the Motion, Magistrate Judge Hanna will issue a Report and Recommendation attached as Exhibit C. If no objection to the Report and Recommendation is filed within 10 days of entry, the Report and Recommendation will become an Order. Any objections to the Report and Recommendation shall be referred to Judge Doherty. Any objections shall be submitted, in writing, directly to Chambers and not into the record, no later than ten (10) days after entry of Magistrate Judge Hanna's Report and Recommendation.

DONE AND ORDERED in Chambers, at Lafayette, Louisiana, this 15 day of April, 2016.



REBECCA J. DOHERTY
UNITED STATES DISTRICT JUDGE

¹ Actos®, ACTOplus Met®, ACTOplus Met XR®, Duetact®, or pioglitazone (“Actos”)

EXHIBIT B

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

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| IN RE: ACTOS (PIOGLITAZONE) |) | |
| PRODUCTS LIABILITY |) | MDL No. 6:11-md-2299 |
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**UNOPPOSED MOTION FOR REPORT AND RECOMMENDATION APPROVING
SETTLEMENT AS TO CLAIMS OF DECEDENT,**

Plaintiffs, [all derivative claimants and PR], individually and as legal heirs of the Estate of Actos User, and Defendants Takeda Pharmaceutical Company Limited and Takeda Pharmaceuticals U.S.A., Inc. (collectively, "Takeda"), have reached a settlement agreement as to any and all claims of [all derivative claimants and PR], related in any way to the [Name of Decedent]'s use of Actos¹.

The law of Plaintiffs' decedent's domicile requires that a compromise of the type of claims asserted by the Plaintiffs in this case be approved by a court of competent jurisdiction. Because this Court has specific knowledge as to (1) the status of the Actos Multi District Litigation generally, (2) the claims raised in this individual case, and (3) the parties' efforts to settle Actos actions in these proceedings, Plaintiffs assert that this Court

¹ Actos®, ACTOplus Met®, ACTOplus Met XR®, Duetact®, or pioglitazone ("Actos")

is best situated to approve the settlement of the Administrator's claims. As a result, Plaintiffs now request that this Court approve the settlement and issue the attached Order.

Specifically, Plaintiffs [all derivative claimants and PR], have executed a Release, Indemnity and Assignment Agreement ("Agreement") in which each settled all claims brought on behalf of the Estate of DECEDENT. Plaintiffs, through their undersigned counsel, represent to the Court that each was fully advised of the risks and benefits of pursuing these claims to trial and, after due consideration, Plaintiffs voluntarily entered into the Agreement.

The settlement reached herein between [all derivative claimants and PR] and Takeda, is just, fair, and reasonable, and in the best interests of all persons entitled to pursue an action for injury or wrongful death under the circumstances.

Proper notice has been given to all eligible persons entitled to recovery of damages for the death of Decedent.

WHEREFORE, Plaintiffs respectfully request that the Court order them to collect and receipt for payment of the settlement proceeds; to deduct and pay the expenses of recovery and collection of the settlement proceeds and the attorney's fees as contracted; to acknowledge satisfaction in whole for the settlement proceeds; and to distribute the net proceeds as ordered by the Court.

The attorneys' fees are fair and reasonable under the circumstances.

WHEREFORE, Plaintiffs pray this Court enter its Order

(a) approving the settlement between [all derivative claimants and PR] and Takeda as being fair and reasonable and in the best interest of the beneficiaries;

(b) approving the settlement as full and complete settlement between [all derivative claimants and PR] and Takeda;

(c) distributing the proceeds of the settlement to [all derivative claimants and PR];
and

(d) distributing attorney's fees pursuant to the agreement entered into between [all derivative claimants and PR] and their attorneys.

As required by this Court's Local Rules, counsel for Plaintiffs hereby certify that counsel for Plaintiff conferred in good faith with counsel for all parties who may be affected by the relief sought in the motion, and has been advised that this motion is unopposed.

Dated:

EXHIBIT C

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

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| ALL CASES |) | |
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REPORT AND RECOMMENDATION ON UNOPPOSED MOTION FOR APPROVAL OF SETTLEMENT AS TO CLAIMS OF DECEDENT.

This Court, having reviewed Plaintiff's Unopposed Motion To Approve Settlement as to Claims of [all derivative claimants and PR] [DE XYZ], the parties having received due notice and having had the opportunity to be heard, and this Court having considered all submissions made, I recommend to the Court that the Motion be

GRANTED, and

The settlement by and between the Plaintiffs, [all derivative claimants and PR], individually and as legal heirs to the Estate of Decedent and Defendants Takeda Pharmaceutical Company Limited and Takeda Pharmaceuticals U.S.A., Inc. (collectively, "Takeda"), as noticed to the Court on _____, be

APPROVED.

ANY PARTY OBJECTING TO THIS RECOMMENDATION SHALL SUBMIT OBJECTIONS, IN WRITING, DIRECTLY TO JUDGE DOHERTY'S CHAMBERS – AND SHALL NOT FILE THE OBJECTION INTO THE RECORD – NO LATER THAN TEN (10) DAYS AFTER ENTRY OF THIS RECOMMENDATION.

If there is no objection within ten (10) days of entry of this Recommendation, the Recommendation will become an Order.

This is DONE AND SIGNED in Lafayette, Louisiana, this _____ day of _____, 2016.

HONORABLE PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE