

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

IN RE: ABILIFY (ARIPIPRAZOLE)
PRODUCTS LIABILITY
LITIGATION

Case No. 3:16-md-2734

Chief Judge M. Casey Rodgers
Magistrate Judge Gary Jones

This Document Relates to All Cases

ORDER APPOINTING LEADERSHIP COUNSEL

The Court greatly appreciates the effort of all attorneys who applied for a leadership position in this MDL. After a thorough review of all applications submitted, the Court appoints the MDL leadership structure as follows:¹

Plaintiffs' Committee Structure

Plaintiffs' Co-Lead Counsel

Kristian Rasmussen

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¹ Unfortunately, there were not enough positions for every application submitted. Those attorneys who were not selected for a leadership position should not interpret the decision as an indication that the undersigned does not consider them capable of handling a leadership position. The selections were made based on a comparison among the applications received of relevant MDL experience, taking into account the skill sets previously identified as important, and number of cases filed in this MDL.

Plaintiffs' Liaison Counsel

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Plaintiffs Executive Committee²

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Plaintiffs' Steering Committee

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² Co-lead Counsel and Liaison Counsel are also members of the Plaintiffs' Executive Committee. The Court considers Co-lead Counsel as one position.

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Based on an impressive application outlining extensive experience in the relevant areas of medical science, experts, and ESI, as well as in the critical area of litigation oversight and coordination, Marlene Goldenberg is appointed to serve as the PSC Discovery Liaison. The PSC Discovery Liaison is responsible for coordinating efforts between the PSC, the Joint Discovery Committee, and the two Discovery sub-committees discussed in further detail below.

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Plaintiffs' Fees and Common Benefit Fund Committee

In addition to the committees announced in the Order, the Court has identified a need for a Plaintiffs' Fees and Common Benefit Fund Committee ("Fees and Funds Committee"). In light of the experience, skill, and knowledge identified in their applications for other leadership positions, the Court appoints the following attorneys to this committee:

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The Fees and Funds Committee will be responsible for administering the Common Benefit Fund and overseeing Plaintiffs' counsel's time and expense submissions. Additionally, the Fees and Funds Committee will confer and propose a Special Master with whom to work on these issues. The Committee should submit their proposed Special Master for review of the Court by January 30, 2017.

Defendants' Liaison Counsel

Larry Hill

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Joint Committees

Joint Discovery Committee

Plaintiffs

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Bristol-Myers Squibb Company

Lauren Colton

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Otsuka Pharmaceutical Co. Ltd. & Otsuka America Pharmaceutical Inc.
(“the Otsuka Defendants”)

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Matthew A. Campbell
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The Court will also create two JDC sub-committees.³ The first of these sub-committees is the Electronically Stored Information Sub-Committee (“ESI Sub-Committee”). The ESI Sub-Committee will work with Magistrate Judge Gary Jones to develop an ESI Protocol. Additionally, the ESI Sub-Committee will be responsible for overseeing the ESI production and working with the soon-to-be retained data management firm. For Plaintiffs, the Court appoints the following attorneys to the ESI Sub-Committee:

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³ The scope of these sub-committees may be expanded or limited, with the Court’s approval.

The second JDC sub-committee is the Science and Expert Sub-Committee (“SE Sub-Committee”). This SE Sub-Committee will be responsible for overseeing the Science Day presentations to the Court and organizing and coordinating expert discovery. The SE Sub-Committee also will be responsible for developing a general causation discovery plan for approval by the Court, as well as a plan for the submission and presentation of *Daubert* challenges. For Plaintiffs, the Court appoints the following two attorneys to the SE Sub-Committee:

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For each of these sub-committees, Defendants may nominate two attorneys to serve, one attorney for Bristol-Myers Squibb Company and one for the Otsuka Defendants. By January 30, 2017, these attorneys should submit their CV to the Court for approval and official appointment.

Joint Settlement Committee

Plaintiffs

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The Otsuka Defendants

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As previously discussed, this Committee's first task will be to propose a settlement master for consideration by the Court. By January 30, 2017, the Joint Settlement Committee must propose a settlement master or inform the Court if they are unable to reach an agreement on a settlement master, in which case, each side (Plaintiffs and Defendants) should propose a settlement master.

A full description of the positions and committees identified in this Order, other than those newly created by this Order, can be found in the Order Establishing Counsel Leadership Structure (ECF No. 79). All designations above are of a personal nature. Accordingly, the undersigned expects each attorney appointed to a leadership position to personally assume responsibility for the performance of his/her designated function(s) and duty(ies). The undersigned reserves the discretion to replace any leadership attorney not fully performing in his/her designated role. If at any time an attorney becomes unable or unwilling to perform in his/her role, the Court must be notified immediately.

DONE and **ORDERED** on this 16th day of December, 2016.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE