

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

In Re: TAXOTERE (DOCETAXEL))	MDL NO. 3023
EYE INJURY PRODUCTS)	
LIABILITY LITIGATION)	SECTION “H” (5)
)	
THIS DOCUMENT RELATES TO:)	
ALL CASES)	

CASE MANAGEMENT ORDER NO. 2

**(Deadlines for Master and Short Form Complaint, Motions to Dismiss, and
Master Answer)**

This Order reflects the agreement to date between the parties with respect to case management issues governing all proceedings in this matter. Accordingly, it is hereby ORDERED that:

- A. Plaintiffs, through the PSC, shall file a Master Complaint on or before May 13, 2022;
- B. Plaintiffs, through the PSC, shall submit a proposed Pretrial Order with an attached exemplar Short Form Complaint on or before May 13, 2022;
- C. Plaintiffs, through their individual counsel, shall abide by the following instructions regarding filing of Short Form Complaints:
 - 1. For all cases docketed in the MDL prior to May 14, 2022, a Short Form Complaint shall be filed as an amended complaint¹ in the plaintiff’s individual case docket on or before June 29, 2022 (if the plaintiff does not file a Short Form Complaint, adopting allegations in the Master Complaint, that plaintiff’s original Complaint shall remain the operative Complaint in that case); and

¹ As a logistical matter, short form/amended complaints should be filed in the applicable member case. Filing attorney should use the event, “Taxotere Eye Injury Amended Complaint”, located under the Service of Process Category. If further direction is needed, please contact Plaintiffs’ Liaison Counsel.

2. For all cases filed in or transferred to the MDL from May 14, 2022 forward, the Master Complaint shall apply and Plaintiffs shall file a Short Form Complaint; for such cases filed directly in the MDL in accordance with Case Management Order No. 1 (Rec. Doc. 15) a Short Form Complaint shall be filed in lieu of a long format original complaint;
- D. Defendants shall file Rule 12 Motions to Dismiss directed to the Master Complaint on or before June 28, 2022;²
- E. Plaintiffs, through the PSC, shall file any Opposition Memoranda to Rule 12 Motions to Dismiss directed to the Master Complaint filed by Defendants on or before July 28, 2022;
- F. Defendants shall file Reply in support of Rule 12 Motions to Dismiss directed to the Master Complaint on or before August 25, 2022; and
- G. Each Defendant shall file a Master Answer on or before 60 days following the filing of the Master Complaint or within 30 days after the Court's ruling on all Motions to Dismiss, whichever is later.
- H. A Defendant's Master Answer is not intended to and shall not waive any applicable defenses available to any Defendant, including any objections to service, jurisdiction or venue, and any defenses to any state law claims not otherwise set forth in the Master Complaint, and Defendants may respond to any such individual complaint, including Short Form Complaints, by way of motions permissible under the Federal Rules of Civil Procedure. Defendants may also file counterclaims, cross-claims, and/or third-party complaints, pursuant to Rules 13 and 14 of the Federal Rules of Civil Procedure, in connection with any particular individual action, with such filing to be made within 60 days of transfer of the action to the MDL or, for those actions currently pending in the MDL, within sixty (60) days of the filing of the Master Answer, unless good cause is shown for filing at a later date.

² Any defendant not named in the Master Complaint but properly sued and brought into this litigation on or after May 13 shall file any Rule 12 Motion to Dismiss 45 days following amendment of the Master Complaint to name that defendant, or by June 28, 2022, whichever is later.

- I. Because each Defendant shall be deemed to have answered all cases pending in, filed in, or subsequently transferred to the MDL upon the filing of a Master Answer, cases may only be voluntarily dismissed against such Defendant by order of the Court pursuant to Federal Rules of Civil Procedure Rule 41 (a)(2) or a stipulation pursuant to Federal Rules of Civil Procedure Rule 41(a)(1)(ii), except that a complaint filed directly in the MDL may be voluntarily dismissed upon notice by Plaintiff within 20 days of the filing of the complaint.

New Orleans, Louisiana this 5th day of May, 2022.

A handwritten signature in black ink, appearing to read "Jane Triche Milazzo", written over a horizontal line.

**HON. JANE TRICHE MILAZZO
UNITED STATES DISTRICT JUDGE**