

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:	:	HON. JANE TRICHE MILAZZO
ALL CASES	:	MAG. JUDGE MICHAEL NORTH
	:	

CASE MANAGEMENT ORDER NO. 4
[Streamlined Service on Accord Healthcare, Inc.]

I. SCOPE OF THE ORDER

This Stipulated Order shall govern (1) cases transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to its Order of February 1, 2022; (2) any tag-along actions subsequently transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 7.1 of the Rules of Procedure of that Panel, and (3) all related cases originally filed in this Court as to Accord Healthcare, Inc. or transferred or removed to this Court. The Order only applies to claims brought by a U.S. citizen or resident based on usage or purchase of docetaxel in the United States.

II. STREAMLINED SERVICE OF PROCESS FOR ACCORD HEALTHCARE, INC.

A. Accord Healthcare, Inc. agrees to waive formal service of process under Federal Rule of Civil Procedure 4 and to accept service of docetaxel Complaints or Short Form Complaints that are properly commenced in, removed to, or transferred to this MDL. By waiving formal service of process, Accord Healthcare, Inc. does not waive any defenses available to it.

B. These procedures for informal service of process are not available in cases in which the plaintiff seeks remand to state court unless and until remand is denied. For plaintiffs seeking remand, all deadlines set forth in this Order run from the date on which remand is denied.

C. Plaintiffs whose Complaints or Short Form Complaints are not subject to Paragraph B above, who have not already served Accord Healthcare, Inc., and whose case has not yet been docketed in the MDL shall have ninety (90) days from the date the case is docketed in the MDL to serve the Complaint or Short Form Complaint with a Summons. Plaintiffs whose cases already have been docketed in this MDL as of the date of this Order shall have sixty (60) days from entry of this Order to serve the Complaint or Short Form Complaint with a Summons. The Complaint or Short Form Complaint and Summons shall be served by electronic mail (“email”) to the following address: AccordService@tuckerellis.com. Each email sent to AccordService@tuckerellis.com shall only contain one Complaint or Short Form Complaint and Summons, and the subject line of each email shall state the plaintiff’s first and last name, the phrase “Eye Injury,” and the originating court. The body of each email must also include contact information for counsel of record.

D. Plaintiffs should receive an automatic reply from the mailbox address when a complaint is served. If no such reply is received within twenty-four (24) hours, plaintiffs should re-serve it pursuant to the terms of this Order. Upon successful e-mail service, the date of the initial effort to serve the Complaint or Short Form Complaint via email shall be deemed the date of service.

E. Service will be effective only if addressed as above. General mailing or use of other methods of transmission, including but not limited to Federal Express or email to an alternate address, will not be sufficient to effect service. In accordance with Pretrial Order No. 1, Accord

Healthcare, Inc. is not required to respond to effectively served Complaints or Short Form Complaints until a date to be set by the Court. Accord Healthcare, Inc. agrees to provide thirty (30) days written notice before moving to dismiss for a technical defect in the service process described in this section. Failure to serve a Complaint or Short Form Complaint within the time periods set forth above will be subject to the standards governing Fed. R. Civ. P. 4(m). Other than those based on formal service of process, Accord Healthcare, Inc. reserves all other rights and defenses available to it under federal or state law and under applicable treaties and conventions.

New Orleans, Louisiana, this 18th day of May, 2022.



HON. JANE TRICHE MILAZZO
UNITED STATES DISTRICT JUDGE