

MINUTE ENTRY
MILAZZO, J.
AUGUST 26, 2021

JS-10: 02:45

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: TAXOTERE (DOCETAXEL)) MDL No. 16-2740
PRODUCTS LIABILITY LITIGATION)
) SECTION: "H" (5)
)
THIS DOCUMENT RELATES TO:)
16-17039 Elizabeth Kahn

ORAL ARGUMENT

U.S. District Judge Jane Triche Milazzo presiding

COURT REPORTER: CATHY PEPPER
LAW CLERK: BRITTANY FLANDERS
CASE MANAGER: ERIN MOULEDOUS

APPEARANCES BY VIDEO: (See Attached List of Counsel)

Court begins at 9:30 a.m.

The following Omnibus Motions in Limine filed by defendants (**Doc. 12968**) are argued by counsel and addressed by the Court:

- Motion to Preclude Evidence or Argument Concerning Adverse Event Reports or Other
- Motion to Preclude Evidence or Argument Concerning Sanofi Promotional and/or Marketing Materials Not Possessed or Relied On by Ms. Kahn or Her Prescribing Physician
- Motion to Preclude Evidence or Argument Concerning Non-Expert Causation Testimony
- Motion to Preclude Evidence or Argument Regarding Sanofi Sales Representatives, and to Exclude Sales Representative Witness Testimony
- Motion to Preclude Evidence or Argument Concerning FAERS Signal Evaluation
- Motion to Preclude Evidence or Argument Regarding Foreign Labeling and Regulatory Actions

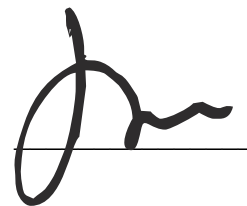
- Motion to Preclude Evidence or Argument Regarding Shirley Ledlie, any “Taxotears” or Other Third Party Advocacy or Communications Group or Group Members, facebook voices page, And Intouch Solutions
- Motion to Preclude Evidence and Argument Regarding Company Conduct that Post-Dates Plaintiff’s Chemotherapy Treatment
- Motion to Preclude Evidence or Argument That Plaintiff’s Actinic Keratosis was Caused By Taxotere or PCIA, or Claiming Damages Therefor
- Motion to Preclude Evidence or Argument Concerning the Canadian Informed Consent
- Motion to Preclude Punitive Damages Evidence
- Motion to Preclude Evidence or Argument Regarding Dear Health Care Provider Letters

The following Motions in Limine filed by plaintiff are argued by counsel and addressed by the Court:

- Motion in Limine to Bar Prejudicial Litigation Conduct (**Doc. 12896**)
- Motion in Limine to Exclude Testimony and Argument that Taxotere Has Been Proven Superior to Taxol - or Any Drug Other Than 5-FU - or That Taxotere Gave Plaintiff the "best chance" of Surviving Cancer, or That Taxotere Gave Her the "best chance" for preventing her cancer from returning (**Doc. 12899**)
- Motion in Limine to Exclude Evidence of Unrelated Medical Conditions, Unrelated Familial Medical History, and Unrelated Medication Usage (**Doc. 12901**)
- Motion in Limine to Prohibit the Use of Unreliable Evidence to Support Claims of Alternative Causation and/or Questioning which Misconstrues the Applicable Burden (**Doc. 12909**)
- Motion in Limine to Exclude Improper Arguments or Suggestions regarding FDA Approval (**Doc. 12902**)
- Motion in Limine to Exclude Low Quality Photographs (**Doc. 12895**)
- Motion in Limine to Include Evidence and Argument Regarding Online Advocacy (**Doc. 12907**)
- Motion in Limine to Preclude Any Comment or Argument Concerning the Comparative Fault of Her Treating Physicians and Misuse of Taxotere (**Doc. 12905**)

Order and Reasons to follow.

Matter adjourned at 12:15 p.m.

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a series of connected loops and a horizontal line at the end.

MIL #	MOTION	REC. DOC.	Requested oral argument	Arguing for Plaintiff	Arguing for Defendants
SANOI'S MOTIONS					
5	Motion to Preclude Evidence or Argument Concerning Adverse Event Reports or Other Complaints Involving Patients Other Than Plaintiff	12968	Joint	Kyle Bachus	Jon Strongman
17	Motion to Preclude Evidence or Argument Concerning Sanofi Promotional and/or Marketing Materials Not Possessed or Relied On by Ms. Kahn or Her Prescribing Physician	12968	Joint	Chris Coffin	Douglas Moore
18	Motion to Preclude Evidence or Argument Concerning Non-Expert Causation Testimony	12968	Sanofi	Palmer Lambert	Hildy Sastre
20	Motion to Preclude Evidence or Argument Regarding Sanofi Sales Representatives, and to Exclude Sales Representative Witness Testimony	12968	Joint	Kyle Bachus	Matt DePaz
23	Motion to Preclude Evidence or Argument Concerning FAERS Signal Evaluation	12968	Plaintiff	Dave Miceli	Jon Strongman
24	Motion to Preclude Evidence or Argument Regarding Foreign Labeling and Regulatory Actions	12968	Sanofi	Dave Miceli	Harley Ratliff
26	Motion to Preclude Evidence or Argument Regarding Shirley Ledlie, any "Taxotears" or Other Third Party Advocacy or Communications Group or Group Members, Facebook Voices Page, And Intouch Solutions	12968	Joint	Jessica Perez Reynolds	Hildy Sastre
27	Motion to Preclude Evidence and Argument Regarding Company Conduct that Post-Dates Plaintiff's Chemotherapy Treatment	12968	Joint	Kyle Bachus	Jon Strongman
29	Motion to Preclude Evidence or Argument That Plaintiff's Actinic Keratosis was Caused By Taxotere or PCIA, or Claiming Damages Therefor	12968	Plaintiff	Palmer Lambert	Jordan Baehr
31	Motion to Preclude Evidence or Argument Concerning the Canadian Informed Consent	12968	Joint	Kyle Bachus	Jon Strongman
34	Motion to Preclude Punitive Damages Evidence	12968	Joint	Darin Schanker	Harley Ratliff
35	Motion to Preclude Evidence or Argument Regarding Dear Health Care Provider Letters	12968	Joint	Andre Mura	Hildy Sastre
PLAINTIFF'S MOTIONS					
3	Motion to Bar Prejudicial Litigation Conduct	12896	Joint	Darin Schanker	Douglas Moore

7	Exclude Testimony and Argument That Taxotere Has Been Proven Superior to Taxol – Or Any Drug Other Than 5-FU – Or That Taxotere Gave Plaintiff the “Best Chance” of Surviving Cancer, Or That Taxotere Gave Her the “Best Chance” for Preventing Her Cancer From Returning	12899	Plaintiff	Dave Miceli	Jon Strongman
9	Motion to Exclude Evidence of Unrelated Medical Conditions, Unrelated Familial Medical History, and Unrelated Medication Usage	12901	Plaintiff	Darin Schanker	Harley Ratliff
11	Motion to Prohibit the Use of Unreliable Evidence to Support Claims of Alternative Causation and/or Questioning Which Misconstrues the Applicable Burden	12909	Plaintiff	Darin Schanker	Douglas Moore
13	Motion to Exclude Improper Arguments or Suggestions Regarding FDA Approval	12902	Sanofi	Andre Mura	Harley Ratliff
15	Motion to Exclude Low Quality Photographs	12895	Plaintiff	Jessica Perez Reynolds	Torrey Peterson
17	Motion to Include Evidence and Argument Regarding Online Advocacy	12907	Plaintiff	Jessica Perez Reynolds	Hildy Sastre
18	Motion to Preclude Any Comment or Argument Concerning the Comparative Fault of her Treating Physicians and Misuse of Taxotere	12905	Plaintiff	Chris Coffin	Douglas Moore