

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

**In Re: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY
LITIGATION**

**MDL NO. 2740
SECTION "N" (5)**

**THIS DOCUMENT RELATES TO:
ALL CASES**

JOINT REPORT NO. 1 OF LIAISON COUNSEL

NOW INTO COURT come Plaintiffs' Co-Liaison Counsel ("PLC") and Defendants' Liaison Counsel ("DLC"), who respectfully submit this Joint Report No. 1 of Liaison Counsel.

1. REPORT OF CLAIMS AND CASE INVENTORY

Since the inception of this MDL, 766 cases have been transferred to this Court for coordinated pretrial proceedings pursuant to 20 Conditional Transfer Orders of the JPML.

2. FEDERAL/STATE COORDINATION

The parties are aware of state court proceedings in California and Missouri involving similar facts and allegations of plaintiffs herein. A number of state court proceedings in these jurisdictions, along with cases filed in Delaware state court have been removed to federal court. The Plaintiffs in those cases are seeking remand to state court and have opposed transfer to this MDL. The parties will be prepared to discuss the status of the state court filings at the January 27, 2017 status conference.

The parties are making efforts to coordinate with counsel, advise them of the status conference call in number (listen only), as well as alert the relevant state court judges of the MDL, the Court's willingness to cooperate with the state court judges for the purposes of

coordinating discovery and other pretrial proceedings, and provide the call in number for the status conferences, should they want to join.

3. PRETRIAL ORDERS

The Court has issued the following Pre-Trial Orders:

Pretrial Order No. 1 (R. Doc. 4) entered October 13, 2016 – Setting initial conference.

Pretrial Order No. 2 (R. Doc. 104) entered November 17, 2016 – Appointing Plaintiffs' Liaison Counsel, Plaintiffs' Steering Committee, and Defendants' Liaison Counsel.

Pretrial Order No. 3 (R. Doc. 115) entered November 30, 2016 – Filing Requests for Summons and Summons Returns.

Pretrial Order No. 4 (R. Doc. 122) entered December 9, 2016 – Procedures for Direct Filing into the MDL [**superseded by PTO 5**].

Pretrial Order No. 5 (R. Doc. 131) entered December 13, 2016 – Amended Procedures for Direct Filing into the MDL.

Pretrial Order No. 6 (R. Doc. 133) entered December 13, 2016 – Appointing Settlement Committees.

Pretrial Order No. 7 (R. Doc. 155) entered December 28, 2016 – Approving and attaching Counsel Contact Information Form.

Pretrial Order No. 8 (R. Doc. 156) entered December 30, 2016 – Federal-State Coordination and Cooperation.

Pretrial Order No. 9 (R. Doc. 160) entered January 3, 2017 – Streamlined Service on Sanofi-Aventis U.S. LLC.

Pretrial Order No. 10 (R. Doc. 169) entered January 11, 2017 – JPML Clarification on Scope of MDL.

Pretrial Order No. 11 (R. Doc. 170) entered January 11, 2017 – Extending Deadline to Submit Proposed PFS and DFS.

Pretrial Order No. 12 (R. Doc. 191) entered January 20, 2017 – Directing that Service of Process shall be made on all known, non-Sanofi Defendants by

February 15, 2017; Directing Liaison Counsel to Provide Proposed Deadlines for Close of Pleadings.

4. COUNSEL CONTACT INFORMATION FORM

All counsel in the MDL are required to complete the Counsel Contact Information Form (available as a fillable PDF on the Court's MDL 2740 website) attached to PTO No. 7 (R. Doc. 155), and forward it to the appropriate Liaison Counsel. This information must be kept current by counsel providing the information, and will be relied upon throughout the litigation.

5. PLAINTIFFS' STEERING COMMITTEE

Organizational discussions of the PSC continue to take place and have led to the formation of various committees and subcommittees for the work to be done by both PSC and non-PSC counsel on behalf of all plaintiffs in this litigation. On December 28, 2016, the Court entered an Order appointing the Plaintiffs' Executive Committee and Plaintiffs' Co-Lead Counsel. R. Doc. 154.

6. DIRECT FILING

On December 13, 2016, the Court entered PTO No. 5 (R. Doc. 131), a superseding Order, allowing plaintiffs to directly file their cases into the MDL. Plaintiffs are reminded to review the above listed Pretrial Orders relevant to filing cases in this MDL, as well as the Court's local rules.

7. SERVICE ON SANOFI ENTITIES

Counsel for Sanofi and the PSC have agreed to the waiver of service of process procedure set forth in Pretrial Order No. 9 for service of complaints on the domestic Sanofi

entity. As a result of Pretrial Order No. 9, plaintiffs are not required to effectuate service on the foreign Sanofi entities unless otherwise ordered by the Court.

8. SERVICE ON NON-SANOFI ENTITIES

The Court has set a deadline of February 15, 2017 for service to be completed on non-Sanofi defendants. The parties will report to the Court on the status of these at the January 27, 2017 status conference.

9. PRESERVATION ORDER

Counsel are reminded to familiarize themselves with the terms of PTO No. 1 (R. Doc. 4, ¶12) regarding preservation of evidence. If the parties determine that it would be appropriate to seek any modification of, or amendment to, the order, they will meet and confer in order to draft language for a proposed order to be presented to the Court.

10. MDL CENTRALITY

The PSC and defendants who have made an appearance in this MDL have agreed to the use of BrownGreer's MDL Centrality system for submission and service of Plaintiff and Defendant Fact Sheets and other potential functionalities. On February 6, 2017, Jake Woody of BrownGreer made a presentation to counsel for the Sanofi defendants to discuss the use of the MDL Centrality online platform. Mr. Woody had previously presented to the PSC regarding the use of MDL Centrality. The parties will work with BrownGreer to develop a Pretrial Order regarding the submission of fact sheets through MDL Centrality, as well as the exact formatting and other relevant issues to putting the fact sheets into Centrality. Issues related to cost apportionment amongst all named defendants still needs to be discussed with BrownGreer

representatives. PLC and DLC will report to the Court on the status of these matters at the January 27, 2017 Status Conference.

11. PLAINTIFF AND DEFENDANT FACT SHEETS

Pursuant to Pretrial Order No. 11 (R. Doc. 170), on January 20, 2017, and after multiple meet and confer conversations, the parties submitted proposed forms for the Plaintiff and Defendant Fact Sheets to the Court. The parties will report to the Court on the status of these matters, as well as the status of proposed Plaintiff and Defendant Fact Sheets, at the January 27, 2017 Status Conference.

12. CLASS CERTIFICATION BRIEFING SCHEDULE

A class action has been advanced in the matter captioned *Matthews et al. v. Sanofi S.A. et al.*, No. 16-17731. This matter was originally filed in the Civil District Court for Orleans Parish, Louisiana but has been removed to the Eastern District of Louisiana and consolidated for pretrial proceedings in MDL No. 2740. The Sanofi defendants intend to request a deadline pursuant to Local Rule 23.1(B) for Plaintiffs in that matter to file their motion for class certification. Plaintiffs will seek a reasonable extension of the deadline within which to file a motion for class certification.

13. MASTER COMPLAINT, SHORT FORM COMPLAINT AND MASTER ANSWER

Pursuant to Pretrial Order No. 12 (R. Doc. 191), PLC and DLC will propose deadlines for the master complaint, short form complaint, master answer, and motions to dismiss to the Court on the status of these matters at the January 27, 2017 Status Conference.

14. DISCOVERY

Pursuant to Magistrate Judge North's Orders of January 4, 2017 (R. Doc. 162) and January 10, 2017 (R. Doc. 168), on January 25, 2017 the PLC, DLC and representatives of the PSC and the defendants participated in a conference with Magistrate Judge North regarding the framework of an appropriate ESI discovery protocol for this MDL. PLC and DLC will report to the Court on the status of these matters at the January 27, 2017 Status Conference.

A. Related to Plaintiffs

None pending.

B. Related to Defendants

None pending.

C. Pending Discovery Deadlines

None pending.

15. MOTION PRACTICE

The following Motions are pending:

None pending.

16. SCIENCE PRESENTATION

At the Court's request, the parties will provide the Court with a proposal regarding brief plaintiff and defendant attorney PowerPoint presentations to the Court to provide background science information related to the drug Taxotere (Docetaxel). The Science Presentation will be scheduled after all remaining defendants have been served. PLC and DLC will report to the Court on the status of these matters at the January 27, 2017 Status Conference.

17. APPEARANCE AND PARTICIPATION OF OTHER DEFENDANTS

DLC has informed the Court that counsel for non-Sanofi defendants will address the Court at the January 27, 2017 Status Conference concerning their participation in future meetings and conferences with the Court.

18. SETTLEMENT COMMITTEES

Pursuant to Pre-Trial Order No. 6 (R. Doc. 133), this Court appointed representatives of plaintiffs and defendants to respective Settlement Committees, which are tasked with maintaining a continuing, collaborative discussion of the elements and characteristics of a framework for potential resolution of cases. The Committees each have selected a Chair. The Settlement Committee Chairs have had multiple telephone discussions and have held an initial in-person meeting to discuss regular meetings of the Committees in furtherance of PTO No. 6.

19. NEXT STATUS CONFERENCE

The Court has announced that the next general status conference will be on March, 17, 2017 at 10:00 a.m.

Dated: January 27, 2017

Respectfully submitted:

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Defendants' Liaison Counsel

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2017, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record who are CM/ECF participants.

/s/ M. Palmer Lambert

M. PALMER LAMBERT