

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION

MDL 2740

THIS DOCUMENT RELATES TO:
ALL CASES

SECTION "N" (5)

PRETRIAL ORDER NO. 73

[Granting Defendants' Motion for Substitution of Second Amended Exemplar Short Form Complaint and Amending the Exemplar Short Form Complaint]

On December 14, 2017, Defendants filed a Motion for Substitution of Second Amended Exemplar Short Form Complaint (Rec. Doc. 1254), through Defendant' Liaison Counsel, with the consent of Plaintiffs, through Plaintiffs' Liaison Counsel;

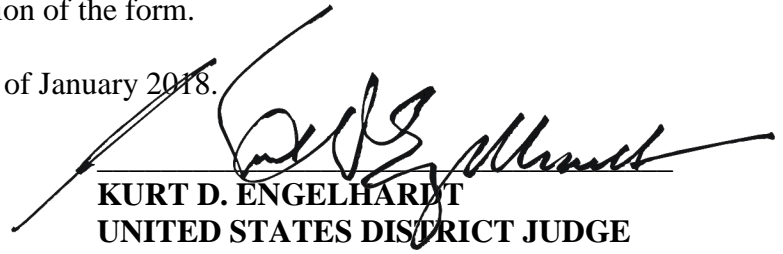
IT IS ORDERED that the Motion for Substitution of Second Amended Exemplar Short Form Complaint be and is hereby **GRANTED** and the version of the Short Form Complaint attached as Exhibit A to this Order¹ is substituted in place of the current Amended Exemplar Short Form Complaint that is found as Exhibit A (Rec. Doc. 318-1) to Pretrial Order No. 37 (Rec. Doc. 318).

Counsel are directed to only use this Court-approved version of the Short Form Complaint, which is effective as of January 4, 2018. This form is available on the Court's Taxotere webpage as well as through MDL Centrality. Counsel are further instructed that this Order does not require

¹ While the version of the Short Form Complaint adopted by this Court is substantively the same as the proposed Second Amended Short Form Complaint (Rec. Doc. 1254-2) submitted by counsel, the Court has made changes to the title of the Short Form Complaint. The Court-approved version of the Short Form Complaint that is attached to this Order and also found as Exhibit A (Rec. Doc. 318-1) to Pretrial Order No. 37 (Rec. Doc. 318) is entitled "Short Form Complaint (Effective as of January 4, 2018)" for purposes of clarity. Furthermore, the Court has inserted a footnote after this title to explain that this version of the Short Form Complaint shall supersede all other versions and should be the only version used by counsel for future filings.

counsel who have previously filed a Short Form Complaint on an old version of the form to refile a Short Form Complaint on the updated version of the form.

New Orleans, Louisiana, this 4th day of January 2018.



KURT D. ENGELHART
UNITED STATES DISTRICT JUDGE

2. Spousal Plaintiff or other party making loss of independent/secondary claim (i.e., loss of consortium):

3. Other type of Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

4. Current State of Residence: _____

5. State in which Plaintiff(s) allege(s) injury: _____

6. Defendants (check all Defendants against whom a Complaint is made):

a. Taxotere Brand Name Defendants

A. Sanofi US Services Inc. f/k/a Sanofi-Aventis U.S. Inc.

B. Sanofi-Aventis U.S. LLC

b. Other Brand Name Drug Sponsors, Manufacturers, Distributors

A. Sandoz Inc.

B. Accord Healthcare, Inc.

C. McKesson Corporation d/b/a McKesson Packaging

D. Hospira Worldwide, LLC f/k/a Hospira Worldwide, Inc.

E. Hospira, Inc.

F. Sun Pharma Global FZE

G. Sun Pharmaceutical Industries, Inc. f/k/a Caraco Pharmaceutical Laboratories Ltd.

H. Pfizer Inc.

I. Actavis LLC f/k/a Actavis Inc.

J. Actavis Pharma, Inc.

K. Other:

7. Basis for Jurisdiction:

Diversity of Citizenship

Other (any additional basis for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure):

8. Venue:

District Court and Division in which remand and trial is proper and where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court:

9. Brand Product(s) used by Plaintiff (check applicable):

A. Taxotere

B. Docefrez

C. Docetaxel Injection

D. Docetaxel Injection Concentrate

E. Unknown

F. Other:

10. First date and last date of use (or approximate date range, if specific dates are unknown) for Products identified in question 9:

11. State in which Product(s) identified in question 9 was/were administered:

12. Nature and extent of alleged injury (including duration, approximate date of onset (if known), and description of alleged injury):

13. Counts in Master Complaint brought by Plaintiff(s):

- Count I – Strict Products Liability - Failure to Warn
- Count III – Negligence
- Count IV – Negligent Misrepresentation
- Count V – Fraudulent Misrepresentation
- Count VI – Fraudulent Concealment
- Count VII – Fraud and Deceit

- Other: Plaintiff(s) may assert the additional theories and/or State Causes of Action against Defendant(s) identified by selecting “Other” and setting forth such claims below. If Plaintiff(s) includes additional theories of recovery, for example, Redhibition under Louisiana law or state consumer protection claims, the specific facts and allegations supporting additional theories must be pleaded by Plaintiff in sufficient detail as required by the applicable Federal Rules of Civil Procedure.

14. Name of Attorney(s), Bar Number(s), Law Firm(s), Phone Number(s), Email Address(es) and Mailing Address(es) representing Plaintiff(s):

By: