

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

MIRENA IUD PRODUCTS LIABILITY LITIGATION

**Order No. 19
(Production of Domestic
Witness Personnel Files)**

This Document Relates To All Actions

13-MD-2434 (CS)
13-MC-2434 (CS)

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Seibel, J.

With respect to the deposition of any domestic witness taken in MDL No. 2434, Defendants shall – if that witness is or was employed by any Defendant – produce the following portions of that witness’s personnel file seven (7) days in advance of the deposition:

1. Any personnel or performance reviews, evaluations, critiques, rewards or action plans related to the witness’s performance with respect to Mirena® and their overall job title/function as it relates to activities also performed for Mirena®;
2. Any self-review, self-evaluation, self-critique and/or action plans created as a part of any formal policy related to the witness’s performance with respect to Mirena® and the witness’s overall job title/function as it relates to activities also performed for Mirena®;
3. Any document evidencing periodic reviews of performance or discipline up to and including termination related to the witness’s performance with respect to Mirena® and their overall job title/function as it relates to activities also performed for Mirena®;
4. Any documents reflecting any award given to the witness under any incentive plan, salary, bonus or other forms of compensation related to the witness’s performance with respect to Mirena® and their overall job title/function as it relates to activities also performed for Mirena®; and

5. Any portion of any termination, severance or separation document reflecting: (i) any post-employment consulting relationship with Bayer or any agreement to provide assistance to Bayer in connection with litigation; (ii) the reasons for termination, if the reasons stated refer to Mirena® and/or their overall job title/function as it relates to activities also performed for Mirena®, or (iii) any non-disparagement clause or provision.

SO ORDERED.

Dated: April 29, 2014
White Plains, New York



CATHY SEIBEL, U.S.D.J