

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE:

ORDER NO. 28

MIRENA IUD PRODUCTS LIABILITY LITIGATION

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

This Document Relates to All Actions

Seibel, J.

Plaintiffs and Defendant Bayer HealthCare Pharmaceuticals Inc. (“BHCP”) have agreed upon the following Order Regarding Sales Representative Discovery For Cases In Which a Sales Representative was Involved in a Previous Disposition Pool Case.

This Order applies to the Second Disposition Pool and any additional disposition pools (collectively, “later disposition pool cases”) and governs the production of sales representatives’ custodial and personnel files (as defined by Case Management Orders (“CMOs”) 18C and 19) that were produced in a previous disposition pool case.

- 1. Production of Custodial Files:** If BHCP did not produce a sales representative’s custodial file in a previous disposition pool case and a Plaintiff, pursuant to CMOs entered by this Court, requests the production of that sales representative’s custodial file in a later disposition pool case, BHCP shall produce that sales representative’s custodial file. The contents of the file shall be governed by paragraph 3 of CMO 18C and include documents and tangible things in the file up to the date of the Plaintiff’s request.

If BHCP has already produced a sales representative's custodial file in a previous disposition pool case and a Plaintiff, pursuant to CMOs entered by this Court, requests the production of that sales representative's custodial file in a later disposition pool case, BHCP shall only supplement that sales representative's custodial file if the removal date of the Plaintiff's Mirena in the later disposition pool case occurred after the date that Plaintiff requested the sales representative's custodial file in the previous disposition pool case. In that case, in addition to providing a copy of the previously produced custodial file, BHCP will produce a supplement to that file containing the contents as defined by paragraph 3 of CMO 18C from the last collection date to the date of Plaintiff's later request.

- 2. Production of Sales Representative Personnel Files:** If a Plaintiff requests a sales representative's deposition in a later disposition pool case and that sales representative's personnel file was not previously produced in a previous disposition pool case, BHCP shall produce that sales representative's personnel file pursuant to CMO 19.

If BHCP produced a sales representative's personnel file in a previous disposition pool case and a Plaintiff requests that sales representative's deposition in a later disposition pool case, BHCP shall only supplement that sales representative's personnel file if the removal date of the Plaintiff's Mirena in the later disposition pool case occurred after the date that Plaintiff requested the sales representative's personnel file in the previous disposition pool case. In that case, in addition to providing a copy of the previously produced personnel file, BHCP will produce a supplement to that file

containing the information required by CMO 19 from the last collection date to the date of Plaintiff's later request.

SO ORDERED.

Dated: January 11, 2016
White Plains, New York



CATHY SEIBEL, U.S.D.J.