

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**IN RE: ZANTAC (RANITIDINE)  
PRODUCTS LIABILITY  
LITIGATION**

**MDL NO 2924  
20-MD-2924**

**JUDGE ROBIN L ROSENBERG  
MAGISTRATE JUDGE BRUCE REINHART**

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**THIS DOCUMENT RELATES TO:  
ALL CASES**

**AMENDED PRETRIAL ORDER # 43<sup>1</sup>  
Order Setting Forth Service of Process of Short Form  
Complaints on Generic, Distributor, Repackager, and Retailer Defendants**

**I. SCOPE OF THE ORDER**

This Order applies only to personal injury claims brought by Plaintiffs in MDL 2924 (whether they are directly filed in or transferred to the MDL) based on usage or purchase of Zantac or ranitidine in the United States. Pursuant to Amended Pretrial Order # 31, which requires all Plaintiffs bringing actions for personal injuries to file a Short Form Complaint, this Order sets forth procedures for service of process of Short Form Complaints on those Generic, Distributor, Repackager, and Retailer Defendants identified on the attached Exhibit A that are citizens of the United States and on whom Plaintiffs have formally served the Master Personal Injury Complaint in accordance with Rule 4 of the Federal Rules of Civil Procedure (the “Non-Brand U.S. Defendants”). This Order applies to Non-Brand U.S. Defendants named in the Master Personal Injury Complaint [docket entry 887] as of the date of this Order and, in Section III, provides a process for additional Defendants to opt-in to the procedures set forth in this Order.

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<sup>1</sup> The Court VACATES Pretrial Order # 43 at docket entry 1931 and substitutes this Amended Order in its place.

## **II. STREAMLINED SERVICE OF PROCESS OF SHORT FORM COMPLAINTS**

Plaintiffs may serve Short Form Complaints on those Non-Brand U.S. Defendants identified on the attached Exhibit A via electronic mail in accord with the procedures set forth in this Order.

A. The procedures set forth in this Order for service of process are not available in cases in which the Plaintiff seeks remand to state court unless and until remand is denied. For a Plaintiff seeking remand, any deadlines set forth in this Order run from the date on which remand is denied.

B. Within fourteen (14) days from the date of this Order, the Non-Brand U.S. Defendants currently named in the Master Personal Injury Complaint shall provide Plaintiffs' Co-Lead Counsel with a single Joint Notice of Email Addresses for Purposes of Email Service of Short Form Complaints on Non-Brand U.S. Defendants (the "Joint List"). The Joint List shall identify one email address for each Non-Brand U.S. Defendant currently named in the Master Personal Injury Complaint at which each Non-Brand U.S. Defendant will accept email service of Short Form Complaints. Plaintiffs' Co-Lead Counsel shall provide the Joint List to its vendor, BrownGreer, for use in connection with the MDL Centrality platform for the service of Short Form Complaints. Within five (5) business days of the Court entering an Order dropping any Defendant from the Master Personal Injury Complaint, Defendants' Liaison Counsel shall provide an updated Exhibit A and Joint List to Plaintiffs' Co-Lead Counsel and BrownGreer. Plaintiffs' Co-Lead Counsel and BrownGreer shall cause the BrownGreer portal to be updated. After those five (5) business days, the dropped Defendant shall no longer be subject to service either by email under the terms of this Order or through the BrownGreer MDL Centrality Platform under the terms of Pretrial Order # 44 (unless the Defendant subsequently opts back in under Section III of this Order).

C. To the extent a Defendant who is dropped from the Master Complaint was previously served pursuant to this Pretrial Order, that service of process remains effective on that dropped Defendant.

D. Plaintiffs may, at their option, serve file-stamped Short Form Complaints on each Non-Brand U.S. Defendant that is a named Defendant in the current Master Personal Injury Complaint at the email address identified in the Joint Notice, subject to the following conditions:

1. No summons is required.
2. The sending of a Short Form Complaint to the email address designated by the Non-Brand U.S. Defendant pursuant to paragraph B above shall constitute service on the Non-Brand U.S. Defendant if it satisfies the additional requirements in sub-section 3 below.
3. Each Short Form Complaint shall be served individually (*i.e.*, one Short Form Complaint per email), and the subject line of each email shall state the Plaintiff's first and last name, as well as the originating court. All Non-Brand U.S. Defendants named in the Short Form Complaint may be served in a single email. The body of each email must also include contact information for the Plaintiff's counsel of record and specify the Defendant(s) being served.
4. If a Plaintiff serves a Short Form Complaint through MDL Centrality through the procedure set forth in Pretrial Order # 44, service shall be deemed completed and received by all Defendants identified on the then-current Exhibit A. Upon service by Defendants' Liaison Counsel of an updated Exhibit A or Joint List as required in paragraph B above, Plaintiffs' Co-Lead Counsel and BrownGreer will update the MDL Centrality system accordingly. Plaintiffs' Co-Lead Counsel and BrownGreer are responsible for programming MDL Centrality to include the proper Defendants and email addresses provided by Defendants' Liaison Counsel for service of process.

E. Beginning September 28, 2020, and on each Monday thereafter, BrownGreer shall send a report of the Short Form Complaints served the prior week, identifying for each those Non-Brand U.S. Defendants served. This report shall be sent to JThomas@blankrome.com. Generic Liaison Counsel, or their delegate, will distribute the list among Non-Brand U.S. Defendants. The parties will use the service report to begin a meet and confer process to resolve defects in the service procedures outlined herein.

F. Pending further Order of this Court, Non-Brand Defendants are not required to answer or otherwise respond to Short Form Complaints served pursuant to this Order. Other than defenses based on service of process, Non-Brand U.S. Defendants do not waive any available rights or defenses under federal or state law and applicable treaties and conventions.

### **III. APPLICABILITY TO ADDITIONAL DEFENDANTS**

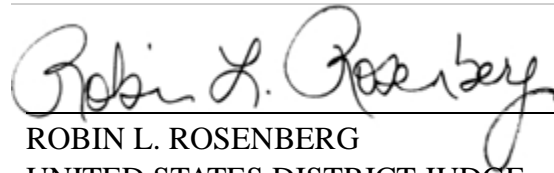
A. Any Defendant added to the Master Personal Injury Complaint after the date of this Order may consent to electronic service under the terms of this Order and Pretrial Order # 44. Within the greater of seven (7) days of the date of this Order or twenty-one (21) days of the date of service of the Master Personal Injury Complaint, any added Defendant shall notify its designated Liaison Counsel and the Coordinating Counsel of its willingness to be bound by this Order and, if consenting, shall provide an email address for service of process.<sup>2</sup> Liaison Counsel and Coordinating Counsel shall then communicate with Defendants' Liaison Counsel to ensure that Exhibit A and the Joint List are updated and circulated in accordance with Section II.B of this Order.

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<sup>2</sup> Added Defendants are advised that their addition to the Master Complaint triggers several deadlines, and they may consult with designated Liaison Counsel about those deadlines. The names of the individuals serving as Liaison Counsel and Coordinating Counsel as of the date of this Order, and their contact information, is set forth in Pretrial Order # 27.

B. Any Defendant, whether foreign or domestic, may consent to electronic service under the terms of this Order and Pretrial Order # 44 by notifying its designated Liaison Counsel and the Coordinating Counsel of its willingness to be bound by this Order and by providing an email address for service of process.

**DONE and ORDERED** in Chambers, West Palm Beach, Florida, this 29th day of September, 2020.



ROBIN L. ROSENBERG  
UNITED STATES DISTRICT JUDGE

In Re: Zantac (Ranitidine) Product Liability Litigation  
MDL No 2924  
Exhibit A  
Order for Service of Short Form Complaints on Non-Brand US Defendants

Defendant
Actavis Mid Atlantic LLC
Ajanta Pharma USA Inc
Albertson's Companies, Inc
Amazon.com, Inc.
Amerisource Health Services, LLC d/b/a American Health Packaging
AmerisourceBergen Corporation
Amneal Pharmaceuticals LLC
Amneal Pharmaceuticals of New York, LLC
Amneal Pharmaceuticals, Inc.
ANDA Repository, LLC
Apotex Corporation
Appco Pharma LLC
Auro Health LLC
Aurobindo Pharma USA, Inc.
BJ's Wholesale Club Holdings, Inc.
Cardinal Health, Inc
Chattem, Inc.
Contract Pharmacal Corp.
Costco Wholesale Corporation
CVS Pharmacy, Inc
Denton Pharma Inc. d/b/a Northwind Pharmaceuticals
Dolgencorp, LLC
Dollar Tree Stores, Inc.
Dr. Reddy's Laboratories, Inc.
Duane Reade, Inc.
Express Scripts, Inc.
Family Dollar, Inc.
Fred Meyer Stores, Inc
Geri-Care Pharmaceuticals, Corp.
Giant Eagle, Inc.
Glenmark Pharmaceuticals Inc., USA
Golden State Medical Supply, Inc.
Granules USA, Inc
H-E-B LP f/k/a HEB Grocery Company
Heritage Pharmaceuticals, Inc.
Hikma Pharmaceuticals USA, Inc. f/k/a West-Ward Pharmaceuticals Corp.
Humana Pharmacy Solutions, Inc.
Hy-Vee, Inc.
Kaiser Permanente International
L. Perrigo Co.
Lannett Co. Inc.
McKesson Corporation
Medicine Shoppe International, Inc.
Mylan Institutional LLC
Mylan Pharmaceuticals Inc.
Mylan Inc.

In Re: Zantac (Ranitidine) Product Liability Litigation  
MDL No 2924  
Exhibit A  
Order for Service of Short Form Complaints on Non-Brand US Defendants

Defendant
Nostrum Laboratories Inc.
Novitium Pharma LLC
OptumRx, Inc.
PAI Holdings, LLC f/k/a Pharmaceutical Associates, Inc.
Par Pharmaceutical Inc.
Perrigo Company
Perrigo Research & Development Company
Precision Dose Inc.
Price Chopper Operating Co., Inc.
Publix Supermarkets, Inc.
Ranbaxy Inc.
Rite Aid Corporation
Safeway, Inc.
Sam's West, Inc.
Sandoz Inc.
Shop-Rite Supermarkets, Inc.
Smith's Food and Drug Centers, Inc.
Southeastern Grocers, Inc. f/k/a Southeastern Grocers, LLC
Strides Pharma, Inc.
Sun Pharmaceutical Industries, Inc., f/k/a Ranbaxy Pharmaceuticals Inc.
Taro Pharmaceuticals U.S.A., Inc.
Teva Pharmaceuticals U.S.A., Inc.
The Kroger Co.
Torrent Pharma Inc.
Wakefern Food Corporation
Walgreens Boot Alliance, Inc.
Walgreens Co
Walmart Inc. f/k/a Wal-Mart Stores, Inc.
Watson Laboratories, Inc
Winn Dixie Stores, Inc.
Wockhardt USA LLC, formerly known as Wockhardt USA, Inc.
Zydus Pharmaceuticals (USA) Inc.