

**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 E. REINHART**

THIS DOCUMENT RELATES TO: ALL CASES

**PRETRIAL ORDER # 27
Order Regarding Deadline for Filing Notice of
Appearance and Election to Participate in the Census Registry**

In Pretrial Order No. 1, this Court granted an extension of time for each defendant to respond to the complaint(s) served on them and stayed discovery until further orders of this Court, in order to permit the Court and parties time to create an efficient mechanism for advancing this litigation. The litigation has now advanced sufficiently that the Court soon will be entering scheduling orders related to motion practice and discovery. To facilitate communications with all defendants as the litigation progresses into this new phase, it is important that Notices of Appearance be entered.

In addition, in Pretrial Order No. 15, the Court created a Census Registry at the parties' joint recommendation in recognition of the benefits that it provided to both plaintiffs and defendants. The Court continues to support the use of the Census Registry in response to the unique challenges this MDL presents, but the Court recognizes that it is a creature of party consent. As such, this Order also ensures a process for appropriately informing any newly-added defendants of the rationale for PTO # 15.

The Court, mindful of the 21-day window set by the Federal Rules of Civil Procedure for defendants to respond to a served complaint, issues this order to (1) set a deadline for defendants to file Notices of Appearance, and (2) consent or object to the Census Registry provisions in PTO # 15.

I. DEADLINE TO FILE NOTICES OF APPEARANCE

Any defendant named in an action in this MDL (whether directly filed or removed/transferred) is hereby ordered to appear through counsel within the greater of 7 days from the entry of this Order or 21 days from the date of service of the complaint on that defendant, whichever is later. A defendant should not file a duplicative Notice of Appearance in the master MDL docket for subsequent complaints.

The filing of a Notice of Appearance of counsel is not and will not be deemed a waiver of any arguments or defenses, including regarding personal jurisdiction and/or any rights under Fed. R. Civ. P. 12. Rather, the Notice of Appearance is necessary for the Court and counsel to know to whom to direct communications about the MDL.

II. PRETRIAL ORDER # 15

On April 2, 2020, this Court entered PTO # 15, which set forth a census program, which allowed claimants with unfiled claims to enter a Census Registry while motion practice proceeded in the MDL, in exchange for a temporary tolling of the statute of limitations. This PTO was entered upon recommendation of counsel, following extensive negotiations by skilled counsel on both sides.

By its terms, PTO # 15 bound all defendants in any action that had been directly filed in or transferred (whether by transfer, removal or otherwise) to the MDL as of April 2, 2020. Since that

time, additional defendants have been named in complaints filed in or transferred to the MDL, and it is anticipated that more defendants will continue to enter the litigation from time to time.

Such newly-added defendants, or their counsel of record, are strongly encouraged to contact any of the following individuals for information about PTO # 15:

Special Master:

Jaime Dodge
JDodge@emory.edu

Co-Lead Counsel and Coordinating Counsel for Defendants:

Joseph Petrosinelli
WILLIAMS & CONNOLLY
(202) 434-5547
JPetrosinelli@wc.com

Liaison Counsel for Generic Manufacturers:

Richard Barnes
GOODELL, DEVRIES
(410) 783-4004
Rmb@gdldlaw.com

Thomas Yoo
HOLLAND & KNIGHT
(213) 896-2425
Thomas.Yoo@hklaw.com

Liaison Counsel for Retailers:

Sarah Johnston
BARNES & THORNBURG
(310) 284-3798
Sarah.Johnston@btlaw.com

For any defendant added to the MDL after the entry of PTO # 15, within the greater of seven (7) days of the entry of this Order or 21 days of the date of the service of a complaint filed in or transferred to this MDL, the defendant's counsel (or the defendant's responsible person, if acting *pro se*), shall notify its designated Liaison Counsel and the Coordinating Counsel of its

willingness to be bound by the registry provisions in PTO # 15; all defendants remain bound by all other terms in PTO # 15 and all other PTOs entered in this MDL. If a defendant agrees to be bound by the Census Registry provisions of PTO # 15, counsel shall send a letter via email to the Coordinating Counsel and Special Master, indicating that the defendant has so agreed. If a defendant fails or elects not to notify designated Liaison or Coordinating Counsel of any objection to the applicability of the Census Registry provisions of PTO # 15 to that defendant within the applicable timeframe, then the terms of PTO # 15, including the statute of limitations tolling provision of paragraph 5 on page 11 of PTO # 15, will be fully applicable to that defendant absent good cause shown and an immediate and timely assertion of such objection. If a defendant objects to being bound by the Census Registry provisions of PTO # 15, the defendant or its counsel shall meet and confer with Coordinating Counsel and the Special Master in an attempt to resolve such objection.

Plaintiffs' Co-Lead Counsel are directed to make best efforts to ensure that new complaints filed after June 2, 2020, contain a copy of this Order and the cover letter attached as Exhibit A to this Order. If Plaintiffs' Co-Lead Counsel or Liaison Counsel for the Retailers/Generics become aware that a new defendant in the MDL did not receive a copy of this Order and Exhibit A, they shall provide such copy immediately.

DONE and ORDERED in Chambers, West Palm Beach, Florida, this 3rd day of June, 2020.

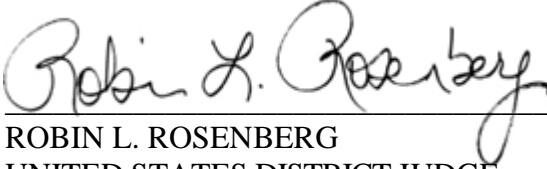

ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE

EXHIBIT A

You have been named in a legal action for which there is a Multi-District Litigation, or “MDL,” a federal court proceeding in which multiple actions concerning common legal allegations are coordinated for pretrial proceedings. The MDL Petition was filed in late 2019, the MDL was created in early 2020, and the MDL proceedings have been underway since that time.

The Federal District Judge overseeing that MDL proceeding has appointed liaison counsel for all Retailer/Pharmacy Defendants and Generic/Private Label Manufacturing Defendants in the MDL, as well as a Defense Coordinating Counsel.

Because there are deadlines implicated by several pre-trial orders already entered so far in the MDL (including PTO # 15 and PTO # 27, it is incumbent upon you to contact the dedicated Liaison Counsel or Coordinating Counsel, so that such Counsel can answer questions related to the MDL proceedings.

The appointed Liaison Counsel for Retailer/Pharmacy Defendants and Generic Manufacturer Defendants are as follows:

Liaison Counsel for Generic Manufacturers:

Richard Barnes
GOODELL, DEVRIES
(410) 783-4004
Rmb@gdldlaw.com

Thomas Yoo
HOLLAND & KNIGHT
(213) 896-2425
Thomas.Yoo@hklaw.com

Liaison Counsel for Retailers:

Sarah Johnston
BARNES & THORNBURG
(310) 284-3798
Sarah.Johnston@btlaw.com

The Defense Coordinating Counsel and Co-Lead Counsel is:

Joseph Petrosinelli
Williams & Connolly LLP
(202) 434-5547
jpetrosinelli@wc.com

The Court has stayed certain requirements in the case pursuant to PTO # 1 and other orders. However, the Court has required that you file a Notice of Appearance within 21 days, in lieu of filing an answer or motion to dismiss. In addition, you should contact either the Defense Coordinating Counsel or your designated Liaison Counsel within 21 days to discuss PTO # 15, as described in the attached PTO # 27.

The Liaison and Coordinating Counsel will be helpful resources in bringing you up to speed on the status of the litigation and your obligations – but it is very important that you contact them as soon as possible to ensure you do not miss any deadlines that apply to your case.