

**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**

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**THIS DOCUMENT RELATES TO: ALL CASES**

**PRETRIAL ORDER # 76**

**Order on Review of Defendants' Leadership Structure and Additional Appointments**

In Pretrial Order # 1, the Court invited attorneys to apply for positions as Defendants' lead counsel or on a committee. The Court required the applications to address, among other things, willingness and ability to commit time and resources to this multi-district litigation ("MDL"), ability to work cooperatively with others, and professional experience in other MDLs. *See* DE 13 at 11-13. The Court considered many factors, including the individual applicant's skill, background, ethical standards, professionalism, collaboration, other leadership positions, and reputation earned from colleagues and judges in other litigation. The Court sought to appoint a leadership team that is representative of the Defendants and a team that affords younger and slightly less experienced attorneys an opportunity to participate in a leadership role in an MDL. Following this evaluation process, the Court created a Defendants' leadership structure that encompassed the Court's objectives and explained the appointees' duties and responsibilities in Pretrial Order # 22. *See* DE 747.

The leadership structure that the Court created consisted of Co-Lead Counsel, Liaison Counsel, a Defendants' Steering Committee ("DSC"), and a Leadership Development Committee ("LDC"). First, the Court appointed four Co-Lead Counsel who would bear the ultimate

responsibility for defending against potential claims and coordinating the pretrial proceedings for Defendants. Second, the Court appointed Generic and Retailer Defendants' Liaison Counsel. Third, the Court appointed DSC members to operate under the direction of Co-Lead Counsel and to assist Co-Lead Counsel in fulfilling their duties. Fourth and finally, the Court appointed eleven attorneys to the LDC. The LDC members are attorneys who previously had not been appointed to a committee in an MDL or who the Court otherwise considered to be less experienced in MDLs.

The Court expressed its intent for the LDC as follows:

This Court is keenly aware of the concerns raised in recent years about the challenges faced by less experienced attorneys in obtaining leadership appointments in MDL proceedings. While this Order is not the time or place for an exhaustive discussion of this issue, suffice it to say that this Court is sensitive to these concerns, as well as the need to have more experienced MDL practitioners lead and populate steering committees to adequately represent the interests of parties in large, complex and costly MDL matters. The Court views these concerns as complimentary, rather than as mutually exclusive. In an attempt to balance the needs of this MDL, as set forth below, this Court hereby establishes a Defense Leadership Development Committee (LDC).

*Id.* at 6.

In making these appointments, the Court recognized that the needs of this MDL could change as the litigation advanced, and the Court therefore explained that it would monitor the leadership structure to ensure that Defendants were being appropriately and adequately represented. Specifically, the Court stated:

The Court will consider a process for periodically evaluating leadership appointees' performance and commitment to the tasks assigned, as well as the ongoing needs of the litigation.

*Id.* at 13.

The Court has raised the topic of the evaluation process for the leadership structure and appointments with Plaintiffs' and Defendants' Co-Lead Counsel at various points in the litigation.

The Court has sought their input, as it has on most important issues impacting this MDL, both as to how the evaluation process should be conducted and what changes, if any, should be made to the leadership structure and appointments. In Pretrial Order # 73, the Court issued an order upon review of Plaintiffs' leadership structure and made additional appointments. The Court appointed four new members to the Plaintiffs' steering committee, elevated the five LDC members to the steering committee and appointed a new slate of twelve LDC members.

Since the entry of Pretrial Order # 73, Defendants' Co-Lead Counsel have made recommendations to the Court regarding their leadership structure. The Court commends Defendants' Co-Lead Counsel for taking into account the factors that the Court set forth in Pretrial Order # 22 as well as additional factors that leadership considered appropriate in making leadership recommendations to the Court. To that end, the Court adopts those recommendations and hereby modifies Pretrial Order # 22 as to Defendants' leadership appointments only. In all other respects, Pretrial Order # 22 remains in effect.

Defendants' Co-Lead Counsel have recommended that the Court appoint a new slate of seven LDC members, each of whom has been actively participating in the MDL behind the scenes. One new LDC member recommended by Defendants' Co-Lead Counsel already has presented at a case management conference on discovery matters arising in the MDL. Another new LDC member addressed the Court at a case management conference and spoke about her work in preparing for 30(b)(6) depositions despite being new to multi-district legislation. She spoke of the value of the LDC in affording mentorship, development of the more junior attorneys and the opportunity to work closely with members of the LDC and other attorneys at the firms that represent the co-defendants:

Getting to know them and work with them, many of whom are on this call I am sure, has really been a pleasure and one of the highlights of my time on the case so

far. It has also been great to be a part of every aspect of those cases from strategy discussions with co-defendants and our client through to the drafting and filing of motions, which really has been a great experience and given me valuable insight into the litigation process... I feel very fortunate to have such a great opportunity not only to observe the work of the many highly skilled and experienced attorneys in this case, but also to feel like I can contribute, especially at such an early stage in my career, and I really appreciate having the opportunity to address you today as well.

DE 3070 at 48-49.

All of the new LDC members have worked diligently in this litigation and their hard work is recognized by the Defendants' Co-Lead Counsel and this Court. Once again, the next generation of MDL leaders has expanded within this MDL and will be well suited to assume even greater leadership roles in future MDLs. Accordingly, the Court appoints the following to Defendants'

LDC:

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The Court attaches to this Order Exhibit A which reflects the new Defendants' leadership team.

**DONE and ORDERED** in Chambers, West Palm Beach, Florida, this 21st day of April, 2022.

  
ROBIN L. ROSENBERG  
UNITED STATES DISTRICT JUDGE