

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: PARAGARD IUD) MDL DOCKET NO. 2974
PRODUCTS LIABILITY)
LITIGATION) (1:20-md-02974-LMM)
) **This Document Relates to All Cases**

**CONSENT CASE MANAGEMENT ORDER REGARDING MASTER
PLEADINGS AND MASTER RESPONSIVE PLEADINGS**

1. PURPOSE

This Order will govern the procedure in MDL No. 2974 for filing master pleadings and master responsive pleadings.

For purposes of this Order, “member actions” shall include all actions transferred to MDL No. 2974 in the Judicial Panel on Multi-District Litigation (“JPML”) Transfer Order dated December 16, 2020; all pending or future related or “tag-along” actions transferred to MDL No. 2974 by the JPML; all future actions that may be filed into MDL No. 2974; and all pending or future actions filed in state court, removed to a federal district court and transferred to MDL No. 2974 by the JPML. The parties each reserve the right to seek exceptions, amendments, or modifications to this Order from the Court for good cause shown.

2. MASTER PLEADINGS

2.1. Plaintiffs’ Master Complaint

2.1.1 On or before March 22, 2021, Plaintiffs shall file and serve a Master Complaint against one or more of the following entities: Teva Pharmaceuticals USA, Inc.; Teva Women's Health, Inc.; Teva Women's Health, LLC; Teva Branded Pharmaceutical Products R&D, Inc.; The Cooper Companies, Inc.; and CooperSurgical, Inc. ("Defendants"). This pleading shall be filed in the MDL No. 2974 Master Docket, and the Master Complaint shall be deemed served on the date of filing.

2.1.2 Nothing in this Order shall be deemed or constitute an admission or agreement by Defendants that the entities listed in Section 2.1.1 are proper defendants in the member cases.

2.1.3 The filing and service of the Master Complaint does not effectuate filing and service of any individual plaintiff's complaint, and the filing and service of the Master Complaint does not toll the statute of limitations or statute of repose as to any individual current or future plaintiff in MDL No. 2974.

2.2. Defendants' Response(s) to Plaintiffs' Master Complaint

2.2.1 This Order supersedes section 6(d) of this Court's Practice and Procedure Order and Notice of Initial Conference (Doc. 5) as follows: on or before May 6, 2021, Defendants shall move, answer, or otherwise plead to the Master Complaint in accordance with the Federal Rules of Civil Procedure, and shall file such responsive motion or pleading in the MDL No. 2974 Master Docket.

2.2.2 A Defendant's motion(s) or responsive pleading(s) to the Master Complaint shall not be deemed or determined to waive any defenses specific to individual member actions, including, but not limited to, defenses as to jurisdiction, venue, and service.

2.2.3 If a Defendant files a motion under Federal Rule of Civil Procedure 12 to the Master Complaint on any basis, any opposition filed by Plaintiffs to such motion shall be a joint opposition filed on or before June 21, 2021. Replies to such oppositions shall be filed on or before July 16, 2021. The Court will schedule argument, if appropriate, at its convenience thereafter. Unless otherwise stated in the motion, any motion filed under Federal Rule of Civil Procedure 12 directed to the Master Complaint shall be deemed to have been pleaded in full in all member actions and shall be treated as an omnibus motion applicable to all member actions in the MDL.

2.2.4 The parties reserve all rights of appeal of this Court's decision(s) on any motions filed under Federal Rule 12 to which they are legally entitled.

2.2.5 Defendants shall be required to answer any remaining allegations in the Master Complaint forty-five (45) days after the Court rules on the motions filed under Federal Rule of Civil Procedure 12. A Defendant's answer to the Master Complaint is deemed to have been pleaded in full in all member actions.

3. INDIVIDUAL SHORT FORM COMPLAINTS AND DIRECT FILE ORDER

3.1 The parties are directed to meet and confer to prepare an agreed-upon Short Form Complaint, and to meet and confer about the process and timing of filing Short Form Complaints and responsive pleadings to the Short Form Complaints. The parties are also directed to meet and confer about a Direct File Order that will allow Plaintiffs to direct file into this MDL.

SO ORDERED, this the 9th day of March, 2021.



The Honorable Leigh Martin May
United States District Judge
Northern District of Georgia