

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS DIVISION**

---

<b>IN RE PRADAXA</b>	)	<b>MDL No. 2385</b>
<b>(DABIGATRAN ETEXILATE)</b>	)	<b>3:12-md-02385-</b>
<b>PRODUCTS LIABILITY</b>	)	<b>DRH-SCW</b>
<b>LITIGATION</b>	)	

---

**This Document Relates to:**

**ALL CASES**

**CASE MANAGEMENT ORDER No. 37  
ORDER MODIFYING PRIOR CASE MANAGEMENT ORDERS**

Pursuant to CMO 38, the Court hereby enters the following schedule for BIPI and BII's production schedule, certification of productions, and modifying pre-trial deadlines and other CMOs, and Orders as follows:

1. Paragraph G of CMO 8 is modified to require that "the updated, relevant, non-privileged, previously non-produced portions of the custodial file of that employee shall be produced 45 days in advance of the deposition of the scheduled deposition to the address specified by Plaintiffs' counsel."
2. Paragraph 3(b) of CMO 11 is modified as follows: The employee witness deposition period for BII and Dismissed Foreign Defendant current and former employee witnesses shall begin on September 9, 2013 and conclude by February 7, 2014. Further, BII witness depositions may take place without regard to completion of BIPI deponents.
3. With respect to the discovery obligations in CMO 17, Amended CMO 17 and CMO 21, BIPI shall provide a certification (attached as Exhibit A),

signed by its lead counsel, on or before July 22, 2013. This obligation includes the following custodial files:

Ahmad, Khurram  
Alexander, Margaret-Sarah  
Baier, Emily  
Bardsley, Andrew ("Andy")  
Barrett, Christopher  
Benater, Jason  
Blake, Mark  
Brooks, Larry  
Cornejo, Sonny  
Corsico, Chris  
Crissey, Lara  
D'Alonzo, Teri  
DeLannoy, Daniel  
Dzenko, Kirk  
Friedman, Jeffrey  
Glavan, Nada  
Globeck, Barbara  
Gold, Ellen  
Greene, Eva-Lynne  
Grossman, Eileen  
Hashad, Wa'el  
Johnson, Robert ("Bob")  
Keller, Tricia  
Keshav, Sanjay  
King, Timothy  
Kliwer, Michelle  
Kornley, Frank  
Kotsanos, Jim  
Laussucq, Suzanne  
Laux, Jennifer  
Luik, Sabine  
Mancini, Max  
Menasian, Ali  
Merdes, Gabriele  
Morgenstern, Patricia  
Moses, Anna  
O'Connor, Kate  
Palmer, Paula  
Palmisano, Joanne MD, FACP  
Pass, David  
Patel, Amy  
Payne, Barbara

Ragatz, Bill  
Reidies, Heidi  
Reilly, Paul  
Revkin, Jim  
Ryan, Tim  
Schnee, Janet  
Seng, Jennifer  
Sharbrang, Shohreh  
Sitney, Karen  
Smith, John  
Sommer, Sindee  
Staak, Sheri  
Strode, Pamela  
Sullivan, Lauren  
Sullivan, Mary  
Sung, Gabe  
Szanka, Laszlo  
Towers, Sierra  
Troccol, Stephanie  
Varrone, Jeanne  
Wang, Susan  
Watson, Patricia  
Wiesler, Armin  
Wilson, Hillary

4. With respect to future custodians to be identified by Plaintiffs to BIPI, production is to be made within thirty (30) days of each request.
  
5. With respect to the discovery obligations in CMO 18, BII shall provide a certification (attached as Exhibit A), signed by its lead counsel, on or before July 31, 2013. This obligation includes the following custodial files:

Bartels, Dorothee  
Boehm, Peter  
Brueckmann, Martina  
Buchberger, Robert (MD, PhD)  
Busch, Faith  
Clemens, Andreas  
Drees, Ulrich  
Dugi, Klaus  
Eberle, Siegfried

Firnges, Michael  
Fonteyne, Paul  
Hael, Norbert  
Heibing, Rainer  
Heinrich-Nols, Jutta  
Heissing, Rainer  
Hollywood, Ed  
Kannan, Raj  
Korhonen, M.  
Lewis, Mark  
Malin, Reinhard  
Matzen, Lisa  
Meyer-Kleinmann, Julia C.  
Monz, B.U.  
Nieuwenhuis, Theo  
Noak, Herbert  
Plumb, Jonathan  
Prosia, David  
Richter, Monika  
Rischke, Ralk  
Roeleke, Dietman  
Roth, Ulrich  
Schilling, Christian  
Schmidt, Tim  
Schultz, Ingrid  
van Husen, George  
van Ryn, Joanne  
Vogel, Ulrich  
von Gordon, Judith  
Zilles, Peter Sebastian

6. With respect to future custodians to be identified by Plaintiffs to BII, production of his/her file is made within forty-five (45) days of each request.
7. Paragraphs (3)(d) and (3)(e) of CMO 21 are modified, and BII shall now produce the T:drive, Idea for Submission, I-Gen-bus and any miscellaneous items on or before July 22, 2013. BIPI and BII's lead counsel shall sign a certification (attached as Exhibit A), including the

description of the content of the database, on or before July 22, 2013. For all other databases, BIPI and BII's lead counsel shall sign a certification (attached as Exhibit A), including the description of the content of the database, on or before July 31, 2013. This includes the following databases:

AER Source Files  
ARISg  
BRAIN  
BRAINS  
CCDS  
CCDS-CY  
CCDS-M  
Central Source-BI  
Cerberus  
Commswiki  
DataVision  
eRoom  
eTool  
G Drive  
IDEA for Submission  
I-gen-bus-BRAINS  
I-gen-bus-Cora  
I-gen-bus-Etool  
IRMS  
Oracle Clinical  
R-gen-bus  
RFP2-electronic  
RFP2-paper  
SAP  
SAS  
SAS-ADS  
ShareRoom  
Tempo  
Vista  
Z Drive

8. With respect to all productions made in the future, lead counsel for BIPI and BII shall provide a certification, signed by its lead counsel, at the time of the production, that said production is complete (attached as Exhibit A).
9. Expert designation and deposition dates are modified as follows:
  - a. Paragraph E(2)(a) of CMO 28 is modified as follows: On or before February 28, 2014, Plaintiffs shall designate, pursuant to Rule 26, Fed.R.Civ.P., their expert witnesses for each of the four (4) bellwether trial cases.
  - b. Paragraph E(2)(b) of CMO 28 is modified as follows: On or before March 28, 2014, Defendants shall designate their expert witnesses pursuant to Rule 26, Fed.R.Civ.P.
  - c. Paragraph E(2)(c) of CMO 28 is modified as follows: On or before April 11, 2014, Plaintiffs shall designate any rebuttal expert witnesses, pursuant to Rule 26, Fed.R.Civ.P.
  - d. Paragraph E(2)(e) of CMO 28 is modified as follows: Depositions of expert witnesses shall take place between April 15, 2014 and May 29, 2014. It is the intention of the parties that the depositions of Plaintiffs' expert witnesses be taken before Defendants' expert witnesses, and Plaintiffs' rebuttal expert witnesses be taken after Defendants' expert witnesses.
  - e. Paragraph F(1) of CMO 28 is modified as follows: Plaintiffs and Defendants must file and serve any summary judgment motions and motions for partial summary judgment on or before June 6, 2014.

- f. Paragraph F(3) of CMO 28 is modified as follows: All *Daubert* motions shall be filed by June 6, 2014.
- g. Responses to Summary Judgment Motions and *Daubert* Motions shall be filed thirty (30) days after the motion to which it responds is filed, but no later than July 3, 2014.

SO ORDERED:

 Digitally signed by  
David R. Herndon  
Date: 2013.07.10  
16:25:04 -05'00'

Chief Judge  
United States District Judge

Date: July 10, 2013

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS DIVISION**

---

<b>IN RE PRADAXA</b>	)	<b>MDL No. 2385</b>
<b>(DABIGATRAN ETEXILATE)</b>	)	<b>3:12-md-02385-</b>
<b>PRODUCTS LIABILITY</b>	)	<b>DRH-SCW</b>
<b>LITIGATION</b>	)	

---

**This Document Relates to:**

**ALL CASES**

**Affidavit of Completion of Document Production**

1. I Paul Schmidt/[Beth Rose] am lead counsel for Boehringer Ingelheim Pharmaceuticals Inc./[Boehringer Ingelheim International GmbH] in the Pradaxa MDL.
2. I have made a diligent check to confirm that I have sufficient knowledge of all the processes conducted to comply with discovery obligations and CMOs entered by this Court.
3. I make this affidavit after a reasonable inquiry as is required under Rule 26 of the Code of Civil Procedure, based on information from the personnel at the company and the vendor who are responsible for collecting paper and electronic information and applying search terms and processing and on information from LeClair Ryan, who is responsible for reviewing the documents and electronic information for responsiveness and privilege.
4. Contemporaneous with this affidavit, BIPI/[BII] is making the production of \_\_\_\_\_ [name of custodian/name of data storage area/name of database/etc.]. I attest that to the best of my knowledge, information, and belief formed after a reasonable inquiry as described above, as follows:

This production contains all of the responsive documents and/or data located and/or identified by personnel at the company and the vendor who are responsible for collecting paper and electronic information and applying search terms and processing and by LeClair Ryan that were created on or before \_\_\_\_\_, 201\_\_ [date to be no greater than 45 days prior to the date of production], other than documents withheld for privilege.

5. If additional responsive documents and/or data are located and/or identified, the PSC and the Court will be promptly so advised and an explanation will be given for untimely production.

\_\_\_\_\_  
Paul Schmidt/ [Beth Rose], Esq.

Sworn to before me this \_\_\_ day of \_\_\_\_\_ 201\_\_.

\_\_\_\_\_  
Notary Public