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

IN RE: PRADAXA (DABIGATRAN ETEXILATE) PRODUCTS LIABILITY LITIGATION	:	3:12-md-02385
	:	MDL No. 2385
	:	Chief Judge David R. Herndon
This Document Applies To All Actions	:	

CASE MANAGEMENT ORDER NO. 34

GRANTING MOTION FOR LETTER ROGATORY TO OBTAIN DOCUMENTARY EVIDENCE FROM POPULATION HEALTH RESEARCH INSTITUTE ["PHRI"] IN CANADA

Herndon, Chief Judge:

The Plaintiff Steering Committee ("the plaintiffs") has filed a motion asking the Court to issue a Request for International Judicial Assistance to the Ontario Superior Court of Justice in the Province of Ontario, Canada, requesting the assistance of the Ontario Court in compelling the production of documents from a single entity in Ontario, Canada. Specifically, the plaintiffs are seeking to obtain a class of documents from Population Health Research Institute (hereafter, "PHRI"), which was the Contract Resource Organization ("CRO") that Boehringer Ingelheim Pharmaceuticals, Inc. and Boehringer Ingelheim International GmbH ("the defendants") hired for the Randomized Evaluation of Long-Term Anticoagulation Therapy trial ("RE-LY"), which allegedly served as the basis for the United States Food and Drug Administration (hereafter, "FDA") approval of Pradaxa. The

plaintiffs assert that PHRI possesses documents containing evidence relevant to the dependability and soundness of the RE-LY trial methodology and results, which the plaintiffs will seek to introduce at trial. The defendants have not opposed the plaintiffs' motion.

This Court has jurisdiction under the Federal Rules of Civil Procedure to order discovery, including the production of documents, from any person regarding any matter relevant to the subject matter of the pending action. Federal courts are authorized pursuant to 28 U.S.C. § 1781 to issue a letter rogatory, and they also have inherent authority to do so. *See United States v. Reagan*, 423 F.2d 165, 171-73 (6th Cir. 1971), *cert. denied*, 406 U.S. 946 (1972); *see also Natural Gas Pipeline Co. v. Energy Gathering, Inc.*, 2 F.3d 1397, 1408 & n. 26 (5th Cir. 1993), *cert. denied*, 510 U.S. 1073 (1994); *United States v. Lopez*, 688 F. Supp. 92, 97 (E.D. N.Y. 1988). Further, the requested letter rogatory is consistent with the Federal Rules of Civil Procedure and international law, including Section 60 of the Evidence Act, R.S.O. 1990, C. E.23.

As there is no objection from the defendants, the plaintiffs' motion is GRANTED. The Court issues the requested letter rogatory (attached hereto as Exhibit A).

SO ORDERED:

Digitally signed by
David R. Herndon
Date: 2013.05.14
12:40:38 -05'00'

Chief Judge
United States District Court **Date: May 14, 2013**