

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

IN RE PRADAXA)	MDL No. 2385
(DABIGATRAN ETEXILATE))	3:12-md-02385-DRH-SCW
PRODUCTS LIABILITY)	Judge David R. Herndon
LITIGATION)	

This Document Relates to:

All Cases

**CASE MANAGEMENT ORDER NO. 90
Stipulations of Dismissal
for Matters Settled Under the
Pradaxa Product Liability Litigation Master Settlement Agreement**

This matter is before the Court for case management. On May 28, 2014, after an extensive mediation process supervised by the Court and the Special Master, the defendants and the Pradaxa Claimants' Negotiating Counsel executed the Pradaxa Product Liability Litigation Master Settlement Agreement ("MSA").¹ The MSA established a settlement resolution program for claimants alleging injuries resulting from the use of Pradaxa (Dabigatran Etexilate). The MSA has resulted in the settlement of claims asserted by more than four thousand claimants, including approximately 2,500 claimants with individual actions pending in this multidistrict litigation. Under current case management procedures, the dismissal of cases settled under this program would entail filing stipulations of dismissal in each subject member actions' individual dockets.

¹ The Court and the parties have been provided with a copy of the MSA.

Such a procedure is not practical or efficient and would almost certainly create an unacceptable backlog in this multidistrict litigation. Accordingly, the Court is electing to streamline the process for dismissing matters settled in accord with the MSA. This order outlines the streamlined process being adopted by the Court.

I. INTRODUCTION

Considering the number of cases that must be dismissed as a result of the MSA, it is not feasible to have the parties file stipulations of dismissal in the individual member actions. Instead, the process of dismissing matters settled under the MSA will be initiated when the defendants file documents entitled “Notice of Settlement” in the master docket.

Notice of Settlement Documents will identify cases that have settled their claims in accord with the MSA and will request that the Court dismiss the identified actions in accord with the same. A single Notice of Settlement for settlements that will result in a with prejudice dismissal of the entire member action and entry of judgment (the notice of dismissal will identify the subject member actions being dismissed) may be filed by the defendants in the Master Docket pursuant to the schedule set forth in this Order.

Counsel for individual plaintiffs will be responsible for reviewing the docket for Notices of Settlement applicable to their clients. If there is an objection to the Notice of Settlement, the individual plaintiff's attorney must file a Motion Objecting to the Notice of Settlement in the subject member action (not in the Master Docket) on or before the applicable deadline provided for in this order

(see below). If no objection is lodged, the Court will proceed with dismissing the subject cases and will enter judgment as is appropriate.

II. DEFINITIONS AND SPECIFIC PROCEDURAL REQUIREMENTS

1. Notice of Settlement: A Notice of Settlement shall be for settlements that will result in the subject member actions being closed by the Court and in entry of judgment.

2. Master Docket Only: Notice of Settlement Documents shall be filed by the defendants in the Master Docket only.

3. Waves of Approximately 1250 Transactions: Notice of Settlement Documents shall be filed in waves of approximately 1250 transactions (as that term is defined herein) per month if the number of claims settled at a time permit the inclusion of that number in a Notice of Settlement. The number of claims included in the Notice of Settlement shall not exceed 1,400 transactions per month.

4. Notice of Settlement:

a. Exhibit Identifying Dismissed Member Actions: The Notice of Settlement shall include an exhibit identifying the member actions subject to dismissal and the plaintiffs whose claims are being dismissed.

b. Format of Notice and Exhibit: The Notice of Settlement and exhibit identifying the dismissed member actions / plaintiffs shall be formatted in a manner reflecting the sample Notice of Settlement attached hereto as Exhibit A.²

c. Definition of Transaction: With regard to this Notice of Settlement, each dismissed member action shall count as one “transaction,” regardless of the number of defendants in the subject member action.

5. Purpose of 1400 Transaction Limit and Possible Revisions to the Stated Limit: Each wave of Notice of Settlement Documents is limited to 1400 transactions to allow the Court sufficient time to take the necessary steps to close the subject member actions, enter judgment, notify the Judicial Panel on Multidistrict Litigation as required under applicable rules, and any other related administrative action that must be taken by the Court.

6. Time for Filing: Each wave of Notice of Settlement Documents shall be filed according to the following schedule.

- **January 2015**

- Notice of Settlement Documents shall be filed on or before January 23, 2015.
- Plaintiffs identified in the January 2015 Notice of Settlement Documents, who intend to object, must file a Motion Objecting to the Notice of Settlement on or before January 30, 2015.
- The Court will begin the process of closing cases, terminating plaintiffs, and entering judgment on February 2, 2015.

² The sample stipulation of dismissal attached hereto as Exhibit A would amount to four “transactions.”

- **March 2015**

- Notice of Settlement Documents shall be filed on or before March 24, 2015.
- Plaintiffs identified in the March 2015 Notice of Settlement Documents, who intend to object, must file a Motion Objecting to the Notice of Settlement on or before March 31, 2015.
- The Court will begin the process of closing cases, terminating plaintiffs, and entering judgment on April 1, 2015.

- **April 2015**

- Remaining Notice of Settlement Documents, if any, shall be filed on or before April 23, 2015.
- Plaintiffs identified in the April 2015 Notice of Settlement Documents, who intend to object, must file a Motion Objecting to the Notice of Settlement on or before April 30, 2015.
- The Court will begin the process of closing cases, terminating plaintiffs and entering judgment on May 1, 2015.

7. Directive to PSC Regarding Service of this Order: Plaintiffs' lead and liaison counsel are responsible for ensuring that this Order is served on all other attorneys and parties.

8. Responsibility for Checking the Master Docket for Notice of Settlement Documents: Individual plaintiffs' attorneys are expected to be familiar with the procedures and requirements set forth in this Order. **It is the responsibility of the individual plaintiffs' attorneys to review the Master Docket for any Notice of Settlement Documents applicable to his or her clients.**

9. Motion Objecting to Notice of Settlement: Any objection to a Notice of Settlement must be filed as a Motion Objecting to Notice of Settlement. The Motion Objecting to Notice of Settlement shall be filed in the subject member

action and not in the Master Docket. The Motion Objecting to Notice of Settlement must be filed in accord with the deadlines provided herein. The defendants will have 7 days to respond to any such motion (responses shall also be filed in the subject member action and not in the master docket).

10. Communication With the Court: Lead and Liaison Counsel are encouraged to contact the law clerk responsible for MDL 2385 should any unique or unforeseen circumstances arise with regard to this process. The Court will work to address such circumstances on an as-needed basis and may amend this order as necessary to address any such circumstances.

SO ORDERED.

Date: January 8, 2015

 David R.
Herndon
2015.01.08
16:39:44 -06'00'



**District Judge
United States District Court**

**Exhibit A to CMO 90
(Stipulations of Dismissal for Matters Settled Under the
MSA)**

**STIPULATION OF DISMISSAL WITH PREJUDICE OF SETTLED ACTIONS
Dismissed Member Actions**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and in accord with the procedures established by Case Management Order Number 90 (MDL 2385 Doc. 614), the following member actions have been settled and the parties have stipulated to dismissal with prejudice of the same:

Exhibit 1
Subject Member Actions

	Case Caption	Case Number
1.	<i>Knight et al v. Boehringer et al</i>	3:10-cv-12903
2.	<i>Hill v. Boehringer et al</i>	3:09-cv-10001
3.	<i>Spencer et al v. Boehringer et al</i>	3:09-cv-10003
4.	<i>Franklin v. Boehringer et al</i>	3:09-cv-10004
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11.		

**Revised Exhibit A to CMO 90
(Stipulations of Dismissal for Matters Settled Under the
MSA)**

**STIPULATION OF DISMISSAL WITH PREJUDICE OF SETTLED ACTIONS
Dismissed Member Actions**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and in accord with the procedures established by Case Management Order Number 90 (MDL 2385 Doc. 614), the following member actions have been settled and the parties have stipulated to dismissal with prejudice of the same:

Exhibit 1
Subject Member Actions

	Case Caption	Case Number	Plaintiff Firm
1.	<i>Knight et al v. Boehringer et al</i>	3:10-cv-12903	Smith & Smith
2.	<i>Hill v. Boehringer et al</i>	3:09-cv-10001	Jones & Jones
3.	<i>Spencer et al v. Boehringer et al</i>	3:09-cv-10003	Smith & Jones
4.	<i>Franklin v. Boehringer et al</i>	3:09-cv-10004	Jones & Smith
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