

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

IN RE PRADAXA (DABIGATRAN ETEXILATE) PRODUCTS LIABILITY LITIGATION
--

MDL No. 2385
3:12-md-02385-DRH-SCW
Judge David R. Herndon

This Document Relates to: ALL CASES

**CASE MANAGEMENT ORDER 80
Procedure for Handling of Obsolete Materials by Defendants**

This Order applies to obsolete materials¹ in the possession, custody or control of Defendants Boehringer Ingelheim Pharmaceuticals, Inc. and/or Boehringer Ingelheim International GmbH (collectively “Defendants”) that are subject to preservation and/or discovery relating to the legal claims and defenses the parties have asserted in this MDL litigation.

Specifically, it is hereby Ordered as follows:

1. Obsolete materials that have previously been produced or are being otherwise preserved electronically in their original form need not be retained, but may be destroyed in Defendants’ ordinary course of business.
2. Obsolete materials that have not yet been produced and are not being preserved electronically need not be retained, but may be destroyed in Defendants’ ordinary course of business, provided that Defendants retain no less than 5 copies of same. In addition, Defendants shall retain any such materials that have been altered from their original form in any manner (*e.g.* the addition of handwritten marginalia or highlighting).

¹ For purposes of this CMO, obsolete materials means pre-printed documents for which there are multiple duplicate copies (*e.g.* promotional and packaging materials) that Defendants and/or their affiliated entities are no longer using in the ordinary course of their business. In this context, obsolete materials also include damaged documents (*e.g.* misprints, crushed boxes or materials that are not otherwise usable) for which there are multiple duplicate copies.

3. Within 5 business days of Defendants' actions pursuant to paragraphs 1 or 2 above, Defendants shall notify the PSC in writing that obsolete materials are not being retained. To the extent obsolete materials have been previously produced, the communication will identify them by Bates numbers. The notice shall include a general description for all other obsolete materials subject to this CMO. The parties agree that the purpose of the notice is informational only.

SO ORDERED.

 Digitally signed by
David R. Herndon
Date: 2014.06.25
13:55:35 -05'00'

Chief Judge
United States District Judge

Date: June 25, 2014