

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
NEWARK DIVISION**

<b>IN RE: PROTON-PUMP INHIBITOR PRODUCTS LIABILITY LITIGATION (NO. II)</b>  This Document Relates to: ALL ACTIONS	<b>2:17-md-2789 (CCC)(MF) (MDL 2789)</b>  <b>MAY 20, 2021 TELEPHONIC STATUS CONFERENCE AMENDED JOINT STATUS REPORT AND PROPOSED AGENDA</b>
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The parties hereby submit their Amended Joint Status Report and Proposed Agenda in advance of the May 20, 2021 Telephonic Status Conference.

**I. STATUS REPORT**

At the time of this filing, approximately 13,800 potentially related actions/plaintiffs are pending in before this court.

Currently, approximately 59 state court actions/plaintiffs are pending in the Delaware Superior Court, New Castle County, before Judge Eric M. Davis and 42 state court actions/plaintiffs are pending in a multicounty litigation ("MCL") in New Jersey state court in Atlantic County before Judge Joseph L. Marczyk.

**II. PROPOSED AGENDA FOR MAY 20, 2021 TELEPHONIC STATUS CONFERENCE**

The Parties have met and conferred and propose the following Agenda:

- Update on Bellwether Cases/Discovery
  - Schedule For Final pretrial schedule and related matters (e.g., deposition designations, exhibit lists, objections to same, motions in limine)
- Update on Non-Bellwether Issues:
  - Plaintiffs' Items:

- PSC’s Third Request for Production of Documents (in re nonclinical study materials);
- Update on Foreign Depositions Noticed Under the Hague;
- PSC Request for 30(b)(6) Depositions
- Defendants’ Items:
  - Status of Unopposed Pending Plaintiff-Specific Motions/Orders (see Exhibit A)
  - Docket Winnowing:
    - Status of Discussions with Special Master on:
      - Near-Blank or “Shell” PFS
      - Michigan Plaintiffs and Order on Unopposed Summary Judgment Motion on Plaintiff *Maneke*, Case No. 2:17-07356 (Doc. 8) (see also Exhibit A)
      - Cases without Use of One or More Named Defendants’ Products (“Stage 2”)
      - Identical Cases Filed Twice on the Docket
      - Deceased Plaintiffs without Proper Representative

### **III. DIAL-IN INFORMATION FOR MAY 20, 2021 TELEPHONIC STATUS CONFERENCE**

The telephonic conference is scheduled to begin at 1 p.m. eastern.

Participant/Listen Only dial-in:

866-831-8616

774635

Dated: May 17, 2020

# **Exhibit A**

**IN RE: PROTON-PUMP INHIBITOR PRODUCTS LIABILITY LITIGATION 2:17-MD-2789 (CCC)(MF) (MDL 2789)  
UNCONTESTED PENDING FULLY BRIEFED PLAINTIFF-SPECIFIC PROPOSED ORDERS/MOTIONS**

**UNCONTESTED**

**Motions to Dismiss Filed by Defendants Eisai, Inc. (“ESI”), Eisai Medical Research, Inc. (“EMRI”), and/or Ortho-McNeil-Janssen Pharmaceuticals, Inc. (now known as Janssen Pharmaceuticals, Inc.) (“Janssen”) with Expired Return Dates and No Opposition Papers by Plaintiffs.**

<b>#</b>	<b>Motion</b>	<b>Date of Filing(s)</b>	<b># of Plaintiffs</b>	<b>Action Requested by Plaintiffs</b>
1	Ruth A. Rudroff 2:18-cv-15575 (4)	4/5/2019 (ESI)	1	Order of Dismissal as to ESI
2	Carol Simms 2:18-cv-16926 (4)	4/5/2019 (ESI & EMRI)	1	Order of Dismissal as to ESI & EMRI
3	Deborah Burroughs 2:19-cv-00552 (4)	5/7/2019 (ESI & EMRI)	1	Order of Dismissal as to ESI & EMRI
4	Mary Stillwell as Executor of the Estate of Eunice H. Eastwood 2:19-cv-02332 (6)	5/7/2019 (ESI & EMRI)	1	Order of Dismissal as to ESI & EMRI
5	Marsha L. Saracco, et al. 2:18-cv-17786 (Janssen 6,10,13; ESI & EMRI 9,11,12)	Janssen: 5/24/2019  Letters filed with Court asking to grant unopposed motions to dismiss on 6/10/19 and 8/29/19 <hr/> ESI & EMRI: 6/7/2019  Letters filed with Court asking to grant unopposed motions to dismiss on 6/18/19 and 8/29/19.	2	Order of Dismissal as to Janssen, ESI & EMRI

#	Motion	Date of Filing(s)	# of Plaintiffs	Action Requested by Plaintiffs
6	Flo Timmons, et al. 2:19-cv-02570 (Janssen 7,11,14; ESI & EMRI 10,12,13)	Janssen: 5/24/2019 Letters filed with Court asking to grant unopposed motions to dismiss on 6/10/19 and 8/29/19. ESI & EMRI: 6/7/2019 Letters filed with Court asking to grant unopposed motions to dismiss on 6/18/19 and 8/29/19.	2	Order of Dismissal as to Janssen, ESI & EMRI
7	Gary McCoy 2:19-cv-03912 (Janssen 6,10,13; ESI & EMRI 9,11,12)	Janssen: 5/24/2019 Letters filed with Court asking to grant unopposed motions to dismiss on 6/10/19 and 8/29/19. ESI & EMRI: 6/7/2019 Letters filed with Court asking to grant unopposed motions to dismiss on 6/18/19 and 8/29/19.	1	Order of Dismissal as to Janssen, ESI & EMRI
8	Jessie F. Perry 2:19-cv-04827 (Janssen 6,10,13; ESI & EMRI 9,11,12)	Janssen: 5/24/2019 Letters filed with Court asking to grant unopposed motions to dismiss on 6/10/19 and 8/29/19. ESI & EMRI: 6/7/2019 Letters filed with Court asking to grant unopposed motions to dismiss on 6/18/19 and 8/29/19.	1	Order of Dismissal as to Janssen, ESI & EMRI

#	Motion	Date of Filing(s)	# of Plaintiffs	Action Requested by Plaintiffs
9	Bonnie J. Pryor 2:19-cv-08443 (Janssen 8,12,15; ESI & EMRI 11,13,14)	Janssen: 5/24/2019  Letters filed with Court asking to grant unopposed motions to dismiss on 6/10/19 and 8/29/19. <hr/> ESI & EMRI: 6/7/2019  Letters filed with Court asking to grant unopposed motions to dismiss on 6/18/19 and 8/29/19.	1	Order of Dismissal as to Janssen, ESI & EMRI
10	Diana Lee Weaver 2:19-cv-08813 (Janssen 9,16,19; ESI & EMRI 15,17,18)	Janssen: 5/24/2019  Letters filed with Court asking to grant unopposed motions to dismiss on 6/10/19 and 8/29/19. <hr/> ESI & EMRI 6/7/2019  Letters filed with Court asking to grant unopposed motions to dismiss on 6/18/19 and 8/29/19.	1	Order of Dismissal as to Janssen, ESI & EMRI

**Plaintiffs Failing to Submit a PFS Under CMO No. 39**

#	Proposed Order or Plaintiff Issue for Ruling	Date of Filing(s)	# of Plaintiffs	Action Requested by Defendants
1	Omnibus Draft Dismissal Order – No PFS List #4	5/5/21 (via email to Court)	218	Enter unopposed dismissal order as to 218 Plaintiffs
2	Omnibus Draft Dismissal Order – No PFS List #5	5/21/2021 (via email to Court)	32	Enter unopposed dismissal order as to 32 Plaintiffs

**Motion for Summary Judgment**

#	Motion	Date of Filing(s)	# of Plaintiffs	Action Requested by Defendants
1	Vivianjane Maneke 2:17-cv-07356 (8)	6/24/20	1	Grant Unopposed Summary Judgment Motion

**Tolling Orders to Show Cause**

#	Motion/Order	Date of Filing	# of Plaintiffs	Action Requested by Defendants
1	Order to Show Cause (Taylor, 2:19-cv-03255)  (Master/ 638)	10/22/2020	1	Enter uncontested order of dismissal