



**NIGH GOLDENBERG
RASO & VAUGHN**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

**IN RE: VALSARTAN, LOSARTAN, AND
IRBESARTAN PRODUCTS LIABILITY
LITIGATION**

This Document Relates to All Actions

MDL No. 2875

Honorable Robert B. Kugler,
District Court Judge

**~~PROPOSED~~ CASE MANAGEMENT ORDER NO. 32 B
PARTIALLY AMENDING CMO 32**

This Case Management Order No. 32 B shall partially amend Case Management Order No. 32 (Doc. No. 2343), as previously amended by Case Management Order No. 32 A (Doc. No. 2368) and Special Master Order No. 78 (Doc. No. 2410). The Court having considered the Parties' letter submissions of December 4, 2023, reporting on a compromise reached on certain scheduling issues related to the trial (the "TPP Trial") scheduled for March 18, 2024, between Third-Party Payor ("TPP") Plaintiff MSP Recovery Claims, Series LLC as TPP class representative, via its two assignors EmblemHealth and SummaCare ("MSP"), and Defendants Zhejiang Huahai Pharmaceuticals, Ltd., Teva Pharmaceuticals, and Torrent Pharmaceuticals ("TPP Trial Defendants"), for the subclasses listed in section 1.0 of CMO 32, IT IS HEREBY ORDERED that CMO 32 (Doc. No. 2343) is further amended to read:

“8.3 MSP submitted a supplemental damages report of Rena Conti on December 1, 2023, addressing data produced by the retailer defendants.

8.4 By December 29, 2023, TPP Trial Defendants may submit a supplemental rebuttal damages report of Wayne Gibson addressing Dr. Conti's supplemental damages report and data produced by the retailer defendants.

8.5 The parties shall submit a proposed schedule for supplemental depositions, if needed, and Rule 702 briefing for damages experts, by December 15, 2023.

9.0 Regarding answers,

9.1 By December 7, 2023, TPP Trial Defendants shall file their answers and affirmative defenses to the claims asserted in the TPP Trial. No other Defendants are to file answers or affirmative defenses at this time.

10.0 Regarding summary judgment motions for the TPP Trial,

10.1 By December 21, 2023, MSP and TPP Trial Defendants shall file their respective motions for summary judgment relating to claims and defenses asserted in the TPP Trial. No other Plaintiffs or Defendants are to file motions for summary judgment at this time, nor are MSP or TPP Trial Defendants to file motions for summary judgment relating to claims or defenses other than those asserted in the TPP Trial at this time.

10.2 By January 22, 2024, MSP and TPP Trial Defendants shall file their respective oppositions to the motions for summary judgment.

10.3 By January 31, 2024, MSP and TPP Trial Defendants shall file their respective replies in support of the motions for summary judgment.

10.4 The motions for summary judgment, statements of material facts not in dispute, oppositions, responsive statements of material facts, exhibits, and replies shall generally conform to the Federal Rules of Civil Procedure and the Local Civil Rules of the District of New Jersey, except that, in lieu of a 40-page limit for each opening brief and each opposition brief as to each TPP Trial Defendant, both MSP and TPP Trial Defendants shall file omnibus opening briefs and omnibus opposition briefs of up to 50 pages each presenting arguments applicable to all TPP Trial Defendants, and separate opening and

opposition briefs for each TPP Trial Defendant (ZHP, Teva, and Torrent), of up to 10 pages each, presenting arguments applicable only to individual TPP Trial Defendants. At each side's discretion, MSP and TPP Trial Defendants may reallocate up to 10 total pages from their individual TPP Trial Defendant briefs to the omnibus opening and opposition briefs. Reply briefs are limited to a single, 20-page reply brief for each side."

Dated: December 6, 2023

s/ Robert B. Kugler
Honorable Robert B. Kugler
United States District Judge