



**NIGH GOLDENBERG
RASO & VAUGHN**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|-------------------------------------|---|---------------------|
| IN RE: GLUGAGON-LIKE | : | CIVIL ACTION |
| PEPTIDE-1 RECEPTOR AGONISTS | : | |
| (GLP-1 RAS) PRODUCTS | : | |
| LIABILITY LITIGATION | : | |
| _____ | : | |
| | : | |
| THIS DOCUMENT RELATES TO: | : | MDL No. 3094 |
| | : | 24-md-3094 |
| <i>ALL ACTIONS/ALL CASES</i> | : | |
| _____ | : | |

CASE MANAGEMENT ORDER NO. 1

**NOTICE OF INITIAL ORGANIZATIONAL CONFERENCE FOR COUNSEL WITH
THE COURT AND RELATED PRELIMINARY MATTERS**

I. Scope

This Order shall govern all cases (1) transferred to this Court by the Judicial Panel on Multidistrict Litigation, pursuant to its Order of February 5, 2024, (2) any tag-along actions subsequently transferred to this Court by the Judicial Panel on Multidistrict Litigation, and (3) all related cases originally filed in this Court or transferred or removed to this Court.

All subsequent orders of this Court with the designation “All Cases” or “All Actions” entered in MDL No. 3094 will likewise apply to all cases that are, or become, part of this MDL, regardless of whether that case was part of MDL No. 3094 when the order was entered.

All counsel should promptly familiarize themselves with this Court’s general Policies and Procedures. They are available on the website¹ for this District and copies will be provided by this Court’s Chambers staff if requested. They will be applied throughout the pendency of this litigation.

¹ Available at <https://www.paed.uscourts.gov/sites/paed/files/documents/procedures/prapol2.pdf>

II. Organizational Conference for Counsel with the Court

A. Conference Date and Location

The Court has set an initial in-court conference for all parties' counsel (and their respective support personnel, if any) for **Thursday, March 14, 2024 at 2:00 p.m.** in Courtroom 10B in the United States Courthouse at 601 Market Street, Philadelphia, PA 19106. A court reporter will be present. The expectation is that all future conferences, hearings, oral arguments, and similar proceedings in this case will be held in the same location unless specifically otherwise directed.

The conference is expected to last approximately two (2) hours. While in-person attendance is not mandatory, it is preferred. If because of prohibitive expense or irreconcilable scheduling conflicts in-person attendance is not reasonably achievable, remote (*e.g.*, "Zoom," etc.) participation will be accepted with reasonable prior notice to the Court (via the Court's principal Deputy, Michael Coyle, (267) 299-7359 or Michael_Coyle@paed.uscourts.gov). All equipment and technical needs for remote participation is the responsibility of the outside participant, but the Court's staff will make all reasonable efforts to facilitate successful coordination of systems, etc.

B. Agenda for the Initial Conference

The final Agenda for the March 14, 2024 conference has not been set. However, the primary matters that the Court intends to raise for discussion will include:

- Organization of counsel

This includes discussion of the process for selecting plaintiffs' lead counsel, the responsibilities of lead counsel, the allocation of tasks and responsibilities for non-lead counsel, expectations for maintaining expense and time records for any subsequent financial obligations, developing and proposing to the Court a schedule for commencement, execution, and completion of discovery, maintaining communications

with defense counsel, preparing for future conferences and preparing for any report(s) pursuant to F.R.C.P. 16, likely availability to attend in-person scheduled conferences with the Court and others for this case, and similar matters.

This topic may also include consideration of a designation of a defense lead counsel and/or naming one or more liaison counsel to maintain and distribute up-to-date service lists, coordinate service and filing, maintain communications with the Court's Clerk's Office staff and the Court's Deputy and law clerk(s) assisting the Court with the administrative features of this litigation.

- Status conferences

This includes a discussion of the frequency and format for periodic conferences, the duties of counsel to meet and confer prior to such conferences and to propose an agenda for the conference, the purpose of such agenda being to inform the Court of matters that the parties wish to raise at the status conference. The Court may amend or augment its agenda as it deems appropriate. To the extent feasible, the agenda will be circulated in advance of conferences.

- New filings, amendments to complaints, and challenges to sufficiency of pleadings

This topic is intended to prompt discussion of managing new filings and answers, and a realistic schedule for filing, responding to, and presenting motions to dismiss complaints, and similar matters.

- Desirability, timing, and requirements for "Fact Sheets" from plaintiffs

- Segmenting the cases

Possible usefulness of parsing the cases or issues or procedures by some division or delineation among the (1) twelve (12) branded medicines (with six (6) different active

ingredients); (2) four manufacturers; and/or (3) five (5) GLP-1 RA products, to wit, Ozempic, Rybelsus, Wegovy, Trulicity, and Mounjaro. This may also include the need for or usefulness of “Science Days” and the likelihood of considering material differences in applicable legal principles.


- Motions

The Court will consider various alternative procedures for filing, responding to, and holding hearing(s) on motions. In general, motion practice will follow the applicable Federal and Local Rules, except as otherwise may be provided in any subsequent case management order(s). At this time, and until further order of this Court, the parties are relieved from compliance with timing and other deadlines for filing or responding to a filing that would otherwise be applicable at this stage of the litigation.

- Suggested agenda items for Initial Organizational Conference

The foregoing is not an exhaustive list of matters to be addressed at the March 14, 2024 Conference. Counsel are encouraged to meet and confer with each other promptly in anticipation of the conference. Any counsel may individually or on some joint basis submit no later than close-of-business on March 5, 2024 any suggestion(s) for the agenda for the March 14, 2024 Conference. The Court will circulate to all counsel the full, final agenda on or before close-of-business on March 12, 2024.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE

This 15th day of February, 2024.