

NGRV**NIGH GOLDENBERG
RASO & VAUGHN**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

IN RE: DEPO-PROVERA (DEPOT
MEDROXYPROGESTERONE
ACETATE) PRODUCTS LIABILITY
LITIGATION

This Document Relates to:
All Cases

Case No. 3:25-md-3140

Judge M. Casey Rodgers
Magistrate Judge Hope T. Cannon

**PRETRIAL ORDER NO. 26
(Stipulated Order Governing General Denial and Preliminary Statement of
Defenses in Lieu of Individual Answers)**

According to the Parties, they anticipate motions to be filed regarding the common defenses of preemption and general causation on both the master docket (for all cases) and the dockets for the individual Pilot Cases—they also anticipate that the Court’s rulings on these motions will apply to all claims in the MDL. *See* ECF No. 142 at 4. To that end, the Court hereby orders Defendants to file a master answer to all complaints pending in or that will be transferred to the MDL. Any Plaintiff seeking to voluntarily dismiss a complaint absent agreement of Defendants will need leave of Court. Accordingly:

1. This Order applies to all actions currently pending in MDL No. 3140 and to all related actions that have been or will in the future be directly filed in, transferred to, or removed to this Court and assigned thereto (collectively, “the

MDL proceedings”). Any action pending in or transferred to the MDL proceedings at any time will be deemed a “Member Action.” This Order is binding on all Parties and their counsel in the MDL proceedings.

2. In light of the number of actions filed to date and likely to be filed in the MDL proceedings, and the Pilot Case process directed by the Court, the Parties have agreed to each Defendant’s use of a General Denial and Preliminary Statement of Defenses¹ (“General Answer”) for all non-Pilot Cases. This Order is not intended to alter the applicable provisions of the Federal Rules of Civil Procedure or the Local Rules of this Court, except as otherwise provided herein or in any subsequent order.
3. By July 11, 2025, in lieu of filing individual answers to every complaint in the MDL proceedings, each Defendant must file in the MDL master docket a General Answer, that will be applicable to all Member Actions in which that Defendant is named and constitute that Defendant’s answer to all complaints in those Member Actions for purposes of the Federal Rules of Civil Procedure, including Rule 41. Any Party that is not named as a Defendant in at least one (1) action pending in the MDL as of the date of this Order but that is

¹ Such preliminary defenses are those that are not case-specific or state-specific, but rather are currently available and applicable to all or most cases in the MDL.

subsequently named as a Defendant in a Member Action must file its General Answer within thirty (30) days of the complaint being docketed in the MDL.

4. As of the date on which each Defendant's General Answer is filed, it will be deemed to have been filed in every current or future case naming that Defendant in the MDL proceedings, without any further action required by that Defendant. The General Answer is not intended to and will not waive any applicable case-specific or state-specific defenses available to any Defendant in any Member Action, including any (a) objections to service, jurisdiction, or venue; (b) challenges to the sufficiency of any claim or cause of action in any Complaint under applicable state law; or (c) assertions of case-specific or state-specific affirmative defenses through the filing of an Amended Answer in an individual case. Notwithstanding the filing of a General Answer, if a Defendant is later required to respond to any specific Complaint, the Defendant may respond by filing a motion under Rule 12, including Rule 12(b)(6), either in this Court or after any remand. Any Defendant may also file counterclaims, crossclaims, and/or third-party complaints, pursuant to Rules 13 and 14 of the Federal Rules of Civil Procedure, in connection with any particular individual action.
5. Defendants will serve their General Answers through MDL Centrality, in accordance with Pretrial Order No. 12 (ECF No. 172).

6. As set forth above, after a General Answer has been filed in the MDL proceedings, it will be deemed adopted in all Member Actions, including actions filed and docketed in this MDL after the date of this Order. As a result, following the filing of a Defendant's General Answer, any Plaintiff who wishes to voluntarily dismiss any Member Action or claim asserted therein naming that a Defendant that has filed a General Answer must comply with Federal Rules of Civil Procedure 41(a)(1) or 41(a)(2).

DONE AND ORDERED, on this 7th day of July, 2025.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE