NIGH GOLDENBERG RASO & VAUGHN

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

IN RE DEPO-PROVERA LITIGATION

CASE VETTING ORDER

INDEX NO. 788000/2025

Identification of Deficiencies in Threshold Proof of Use and Injury Requirements

Plaintiffs and Defendants (collectively "Parties") agree that all Plaintiffs with filed cases must provide (a) initial documentary proof of use for each named Defendant's product, and (b) initial documentary proof of their alleged meningioma injury. The Parties have asked the Court to enter this Order governing the process for obtaining and producing this information. The Court agrees this process is important to the efficient and effective management of the New York Coordinated Proceeding. This Order governs all actions properly filed in or transferred to this Coordinated Proceeding. Other than as set forth in this Order, there will be no discovery of any Plaintiff until further order of the Court. All Plaintiffs, however, must preserve all relevant evidence in their possession, custody, or control, as required by law and this Order.

The term "Plaintiff Proof of Use/Injury Questionnaire" refers to the questions and document production requirements as shown on the attached form. *See* **Exhibit A**. The Parties have agreed to use the online MDL Centrality System, as designed and provided by BrownGreer PLC, to complete and serve the materials subject to this Order. The Plaintiff Proof of Use/Injury

Questionnaire will be available for online completion and submission through MDL Centrality in every Plaintiff's portal.

For all cases filed in or transferred into this Coordinated Proceeding on or before the date of this Order, the Plaintiff Proof of Use/Injury Questionnaire is due **120 days** from the entry of this Order.

For all cases filed in or transferred into this Coordinated Proceeding after the date of this Order, the Plaintiff Proof of Use/Injury Questionnaire deadline is **120 days** from the date the case was filed in or transferred into the Coordinated Proceeding.

The Plaintiff Proof of Use/Injury Questionnaire deadline may only be extended by: (i) the Court on a showing of good cause, or (ii) agreement of the parties with leave of Court.

The Parties have conferred and agreed on a process for identifying potential deficiencies in the Questionnaire and threshold documentation each Plaintiff submits. The Court agrees that an efficient and organized process for evaluating Plaintiffs' threshold proof of product use and injury documentation is important to the effective management of the Coordinated Proceeding.[1]

As discussed above, Plaintiffs must use the online BrownGreer MDL Centrality system to upload and submit the Questionnaire and threshold documentation. Preliminarily, the Court notes that because the Questionnaire is hosted online and includes mandatory fields for Plaintiffs to answer,[2] the universe of potential deficiencies should be quite limited. Plaintiffs and their counsel are reminded, though, that except in specified circumstances (*see* **Exhibit B**), the Plaintiff named

[1] The process outlined in this Order applies only to the Questionnaires and threshold documentation provided by Plaintiffs pursuant to this Order.
[2] Any Plaintiff seeking a hard copy Use/Injury Questionnaire must contact BrownGreer to obtain one on a special basis.

in the Questionnaire as the medication user must be the one to sign the Questionnaire electronically.

Turning to the threshold documentation requirements, Plaintiffs' Proof of Use documentation must include the following:

1. The Plaintiff's name;
2. The date of the action recorded in the document (such as date prescribed, date dispensed, etc.);
3. The name of a Requisite Product;[3] and
4. That the Requisite Product was administered to the Plaintiff (i.e., that it was prescribed, sold, dispensed, cost reimbursed or covered by insurance, or other action sufficient to indicate the use or dispensation of the Requisite Product to or by the Plaintiff).

Plaintiffs may upload no more than five pages of documentation in support of Proof of Use for each Product administered, and they must "bookmark" in each PDF set the page(s) that they rely on as proof of using the Requisite Product(s). Exhibit B, attached, includes a list of acceptable types of Proof of Use documentation.[4]

Plaintiffs must also provide Proof of Injury that includes the following:

1. The Plaintiff's name;
2. The Requisite Physical Injury[5] diagnosed;

---

[3] The Requisite Product must be one of the following: Depo Provera, Depo-Provera, DPCI, Depo Provera IM, DMPA, Depot medroxyprogesterone acetate, Medroxyprogesterone Acetate, MPA, IM MPA, Depo-SubQ Provera 104, Greenstone Medroxyprogesterone, Greenstone MPA, Prasco Medroxyprogesterone, and/or Prasco MPA.

[4] Plaintiffs should note that several categories of documentation must have been created at or near the time of the events recorded in the document. There are limited categories of documents meeting the threshold documentation requirements after-the-fact (e.g., a sworn declaration by a healthcare provider).

[5] The Requisite Physical Injury must be one of the following: Meningioma, Intracranial

3. That a diagnosis of the Requisite Injury was made for the Plaintiff; and

4. The date of diagnosis.

As with Proof of Use, Plaintiffs may upload no more than five pages of documentation in support of Proof of Injury and must "bookmark" in each PDF set the page(s) they rely on to show diagnosis(es).[6] Exhibit B includes a list of acceptable types diagnosis documentation and which of those must have been created at or near the time of the events recorded in the document. BrownGreer will review the completed Questionnaires and threshold documentation for deficiencies as outlined in the protocol attached as Exhibit B, which allows Plaintiffs an opportunity to cure any deficiencies that BrownGreer identifies.[7] After that review and cure period, BrownGreer will inform the Court of any Plaintiff who has failed to cure a deficiency in a Questionnaire or the threshold documentation submitted. The Court will then issue an Order to Show Cause on the individual docket, with deadlines for the individual Plaintiff's response and any additional briefing by the defense, as well as page limits for the brief(s). If necessary, a hearing will be conducted and if, after any hearing, the Court concludes that Plaintiff has failed to comply with this Order, the action may be dismissed with prejudice for a willful failure to comply with orders and deadlines of the Court.

---

meningioma, Intercranial meningioma, Cranial meningioma, Brain meningioma, Meninges tumor, Arachnoid tumor (but not arachnoid cyst), Convexity meningioma, Falcine meningioma, Parasagittal meningioma, Intraventricular meningioma, Skull base meningioma, Sphenoid wing meningioma, Olfactory groove meningioma, Posterior fossa/petrous meningioma, Suprasellar meningioma, Recurrent meningioma, Foramen magnum meningioma, Meningothelial meningioma, Fibrous meningioma, Psammomatous meningioma, Angiomatous meningioma, and/or Secretory meningioma.

[6] If a Plaintiff used more than one Requisite Product or received more than one type of injury diagnosis, she may upload up to five pages in support of each Product used or diagnosis made.

[7] A more detailed overview of the standard procedure for analysis of the deficiencies in Questionnaires and threshold documentation can be found in the Case Information section on the home page of the MDL Centrality Depo-Provera portal available at www.mdlcentrality.com.

Finally, the Court recognizes that some number of Plaintiffs, despite diligent efforts, may be unsuccessful in obtaining threshold documentation because their alleged use of the product, which has been on the market for decades, occurred many years ago. Based on the Parties' agreement, if a Plaintiff cannot provide Threshold Proof of Use documentation in the manner required by this Order, but the Plaintiff satisfies the below criteria, then for present purposes only, the Plaintiff will qualify for a "Deficiency Exception" and the Court will not issue an Order to Show Cause as to that Plaintiff to cure the deficiency. BrownGreer will make an initial determination whether a Plaintiff has satisfied the below criteria and will consult with the Parties to ensure they agree with such determination. BrownGreer will also track the number of Plaintiffs who qualify for a Deficiency Exception.

A Plaintiff qualifies for a Deficiency Exception under this Order if the Plaintiff cannot provide the Threshold Proof of Use documentation required under this Order but does provide to BrownGreer, within the time period to cure a deficiency in the Plaintiff's Threshold Proof of Use, a Declaration signed by the Plaintiff under penalty of perjury that:

1. Affirms that the Plaintiff's sole alleged use of Depo-Provera was before June 2005;
2. Identifies all healthcare providers, pharmacies, or other entities that provided and/or administered Depo-Provera to the Plaintiff;
3. Affirms that Plaintiff has requested records from each person or entity identified in paragraph 2, seeking proof of her alleged use of Depo-Provera;
4. Affirms that all of those persons or entities have responded that no records concerning the Plaintiff exist for the time period that Plaintiff alleges Depo-Provera use (as opposed to providing records that do not show the use of Depo-Provera), or that the Plaintiff has

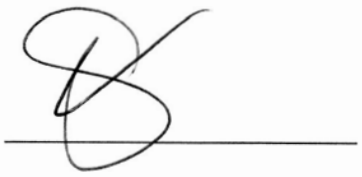
reliable proof that the person or entity no longer exists or cannot be located (for example, a return-to-sender response to Plaintiff's request); and

5. Attaches the requests and responses sent and received pursuant to paragraphs 3 and 4.

The Court is not determining at this time whether records provided pursuant to this Order will ultimately constitute adequate proof of use or injury for purposes of this litigation, and Defendants have the right to argue at a later stage of this litigation that the Declaration and documents the Plaintiff provides in order to qualify for the Deficiency Exception are not sufficient for purposes of avoiding summary judgment or otherwise.

Any Plaintiff's answers to the Plaintiff Proof of Use/Injury Questionnaire will be made under penalty of perjury pursuant to CPLR Rule 2106, will be treated as interrogatory responses pursuant to CPLR Articles 3130, 3131, and 3133 and Commercial Division Rule 11-a, and will be subject to CPLR 202.20.

SO ORDERED this 29th day of October, 2025.



Justice Sabrina Kraus