

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

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

Case No. 3:25-md-3140

This Document Relates to:  
All Cases

Judge M. Casey Rodgers  
Magistrate Judge Hope T. Cannon

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**CASE MANAGEMENT ORDER NO. 9**

On December 19, 2025, the Court held the ninth Case Management Conference (“CMC”) in the *Depo-Provera (Depot Medroxyprogesterone Acetate) Products Liability Litigation*, MDL No. 3140, and the third Joint CMC with the courts of New York and Delaware. MDL Lead Counsel Chris Seeger, Co-Lead Counsel Bryan Aylstock and Ellen Relkin, David Buchanan, Katherine Cornell, and Julia Merritt appeared on behalf of Plaintiffs. For the Pfizer Defendants, Joe Petrosinelli, Jessica Rydstrom, Jeremy Branning, and Annie Showalter appeared. Also present for the conference were Justice Sabrina Kraus (New York) and Judge Kathleen Vavala (Delaware); Orran Brown and Jake Woody on behalf of the Data Administrator, BrownGreer PLC; and Special Master David Herndon. As of December 19, 2025, the member case filings have increased to 1,929 total actions.

David Buchanan of the Plaintiffs’ ESI and Discovery Subcommittee apprised the Court of the status of discovery. The undersigned offered assistance in resolving

any issues that may come up with anticipated third-party discovery. Julia Merritt, on behalf of the Data Administration Subcommittee, and Jake Woody, on behalf of Data Administrator BrownGreer, provided an update on the complaint and threshold proof of use/injury deficiency processes. Forty-eight cases with deficiencies in threshold proof submissions are currently referred to the Court for resolution. The Parties are actively working through the Pretrial Order No. 22A exception review process. The Court appreciates the efforts of the Data Administrator and the Data Administration Subcommittee in working to help cure deficiencies in submissions for those seeking to satisfy the requirements of this exception.

Counsel provided updates on the progress of Depo-Provera litigation in state courts. There are currently 31 cases in California, 76 cases in New York, 13 cases (322 Plaintiffs) in Delaware, 5 cases in Illinois, and 2 cases in Pennsylvania, while Connecticut and New Mexico each have 1 case.

The Court also raised a few issues outside of the Parties' agenda. First, the Court noted that the FDA has approved a change to the Depo-Provera label in a letter dated December 12, 2025, and the Parties were directed to meet and confer about a proposed schedule for supplemental preemption briefing in advance of the January 23, 2026 CMC.

Second, the Court discussed the need to set a case-specific discovery and trial schedule for the Pilot cases. The Parties were directed to meet and confer with

Special Master Herndon about proposing a schedule that will allow for trial in one of the Pilot cases by December 7 or 14, 2026. The Court will set *Toney* (Case No. 3:24-cv-624) for the December trial date unless the Parties agree that another case should be set first (and the Parties to that case agree they will waive any applicable venue and *forum non conveniens* challenges to the case being tried in this district). The Parties should submit their proposed discovery schedule in the agenda for the January CMC. They should also submit a discovery and trial schedule for the remaining four Pilot cases beginning in January 2027.

Third, the Court advised that a Rule 702/*Daubert* hearing on general causation will be held May 26 through 28, 2026. This will be a joint hearing with Judge Vavala and Justice Kraus.<sup>1</sup>

Finally, the Court noted that at least seven plaintiffs in the MDL appear to have duplicate cases filed by different counsel. The Court directed BrownGreer to attempt to resolve these duplicates with Plaintiffs' Counsel in the next few weeks but underscored that a Court-ordered resolution will follow shortly if no informal agreement is reached. Plaintiffs' Counsel are reminded that under Pretrial Order No. 10, "[p]rior to directly filing a case pursuant to this Order, counsel for each Plaintiff is instructed to conduct a PACER and/or MDL-Centrality search to ensure that a previous complaint has not been filed for the same Plaintiff." ECF No. 168 at 3–4.

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<sup>1</sup> The respective courts will apply their own legal standards to any general causation challenges.

As previously ordered, the next MDL CMC is scheduled to be held on **Friday, January 23, 2025, at 9:00 a.m. CT**. The Parties' Joint Agenda Letter is due by **12:00 p.m. CT on Tuesday, January 20, 2025** to the MDL court, the New York court and the Delaware court.

**SO ORDERED** this 21st day of December, 2025.

*M. Casey Rodgers*

**M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE**