

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE TESTOSTERONE)	Case No. 14 C 1748
REPLACEMENT THERAPY)	
PRODUCTS LIABILITY LITIGATION)	MDL No. 2545
)	
This document relates to: ALL ACTIONS)	

CASE MANAGEMENT ORDER NO. 30
(Selection of AbbVie bellwether trial cases)

In this order, pursuant to section II.B of Third Amended Case Management Order 15 (dkt. no. 1287), the Court selects eight AbbVie-only cases for bellwether trials. The Court has considered the parties' written submissions as well as their oral arguments made on August 3, 2016. The Court has taken into consideration the need for representativeness, as well as the parties' expressed preferences.

There will be eight bellwether trial cases, for the reasons the Court described at the August 3 hearing, and because the Court does not believe this to be unduly burdensome for either side. Four of the cases will be myocardial infarction or stroke cases (MI), and the other four will be venous thromboembolism cases (DVT/PE).

One of the MI cases the Court has selected, the *Cribbs* case (Case No. 15 C 1056), is a contingent selection. In that case, plaintiffs were unable to take, during the period set aside for discovery in the pool of bellwether cases, the deposition of the sales representative for an AbbVie-predecessor entity who visited the prescribing physician prior to the physician's prescription of Androgel to the plaintiff. To date, the parties have been unable to locate that sales representative. The *Cribbs* case will remain on the list of bellwether trials if, and only if, defendants are able to locate the sales representative

by no later than August 19, 2016 and produce him for a deposition by no later than August 31, 2016. If defendants do not meet these deadlines, the *Cribbs* case will be replaced with the *Deel* case (Case No. 14 C 10435), which otherwise will not be on the trial list. If this substitution is made, the Court will entertain a request for a reasonable but modest extension of the fact discovery cutoff date for the *Deel* case only.

Finally, the parties should assume that the *Konrad* case (Case No. 15 C 966) will be the first case tried, assuming it survives until trial. The Court reserves for later determination the sequence of the remaining cases.

The Court selects the following cases for trial, identifying them by the individual case number and the plaintiff's name:

MI cases

15 C 966	Jeffrey Konrad
14 C 9178	Jesse Mitchell
15 C 1056	Edward Cribbs (contingent, as explained above; if contingency is not met, will be replaced by 14 C 10435, David Deel)
15 C 1484	Cecile Frost

DVT/PE cases

15 C 1085	Arthur Myers
15 C 1086	Froylan Garcia
14 C 8135	Robert Nolte
15 C 2760	Robert Rowley

It is so ordered. The parties should advise the Court if they believe that entry of

any further orders is needed to effectuate the selection of these cases as bellwether trial cases.

Date: August 4, 2016


MATTHEW F. KENNELLY
United States District Judge