

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

IN RE: **MDL #1626**
ACCUTANE PRODUCTS LIABILITY CASE #8:04-MD-2523-T-30TBM
#8:06-CV-818-T-30TBM

PRACTICE AND PROCEDURE ORDER UPON TRANSFER
PURSUANT TO 28 U.S.C. § 1407(a) AND
ORDER REQUIRING ELECTRONIC FILING

1. This Order shall govern the practice and procedure in those actions transferred to this Court by the Judicial Panel on Multi-District Litigation pursuant to their Order, as well as all related actions originally filed in this Court or transferred or removed to this Court. These actions are listed in Schedule “A” attached hereto. This Order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Judicial Panel on Multi-District Litigation pursuant to Rule 7.5 of the Rules of Procedure of that Panel subsequent to the filing of the final transfer Order by the Clerk of this Court or otherwise transferred or removed to this Court.

2. The actions described in paragraph (1) of this Order are coordinated for pre-trial purposes.

3. All pleadings or papers shall be filed electronically. No copies will be necessary. All papers filed in these actions shall bear the identification “**MDL Docket No. 1626,**” and when such paper relates to all these actions, the MDL docket number shall be

followed only by the notation "ALL CASES." If such paper does not relate to all of these actions, the individual docket numbers assigned by the Clerk of this Court (as listed in Schedule "A" hereto) of those actions to which the paper relates shall also be listed. If such paper relates to five or fewer actions, the abbreviated caption of each of the actions may be listed opposite its number.

All attorneys appearing before this Court shall begin using the Court's paperless electronic filing system (CM/ECF) within thirty (30) days of their entry of appearance in any action pending before this Court. Counsel are directed to the CM/ECF website located at www.flmd.uscourts.gov where they can request their password from the Court. Counsel are also encouraged to sign up for training classes offered by the Clerk's Office, which can be accessed at the same website under "Training." If counsel reside outside of the Middle District of Florida and are unable to take the training classes, they may educate themselves on proper usage of the program by using the Tutorials offered on the website.

4. Any paper which is to be filed in any of these actions shall be filed with the Clerk of this Court and not with the transferor district court.

5. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance before this Court.

6. Prior to the first pre-trial conference, service of all papers shall be made on each of the attorneys on the Panel Attorney Service List attached hereto as Schedule "B." Any attorney who wishes to have his/her name added to or deleted from such Panel Attorney

Service List may do so upon request to the Clerk of this Court with notice to all other persons on such service list. Service shall be deemed sufficient if made upon all attorneys on the Panel Attorney Service List.

The parties shall present to the Court at the first pre-trial conference a list of attorneys for purposes of service. Only one attorney for each party separately represented shall be included on such list.

7. Prior to the first pre-trial conference, counsel for each group of parties whose interests are similarly aligned shall designate liaison counsel, subject to the approval of the Court. Liaison counsel shall be authorized to receive orders and notices from the court on behalf of all parties within their liaison group and shall be responsible for the preparation and transmittal of copies of such orders and notices to the parties in their liaison group.

Liaison counsel shall be required to maintain complete files with copies of all documents served upon them and shall make such files available to parties within their liaison group upon request. Liaison counsel are also authorized to receive orders and notices from the Judicial Panel on Multi-District Litigation pursuant to Rule 5.29(e) of the Panel's Rules of Procedure on behalf of all parties within their liaison group and shall be responsible for the preparation and transmittal of copies of such orders and notices to the parties in their liaison group.

8. Upon remand of any of these actions, the parties will be required to provide to this Court copies of any necessary and relevant papers previously filed.

9. No parties to any of these actions shall be required to obtain local counsel in this district and the requirements of Rule 2.01 of the Rules of this Court are waived as to any attorney appearing in these actions who is duly admitted to practice before any United States District Court.

10. Hearings shall not be held on any motions filed except by Order of Court upon such notice as the Court may direct.

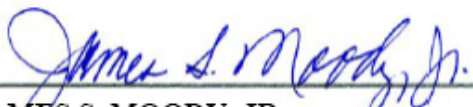
11. Any paper filed in any of these actions which is substantially identical to any other paper filed in another of these actions shall be sufficient if it incorporates by reference the paper to which it is substantially identical. Where counsel for more than one party plan to file substantially identical papers, they shall join in the submission of such papers and shall file only one paper on behalf of all so joined.

12. Any Orders, including protective Orders previously entered by this Court or any transferor District Court, shall remain in full force and effect unless modified by this Court upon application.

13. All discovery proceedings in these actions are stayed until further Order of this Court and the time requirements to perform any acts or file any papers pursuant to Rules 26 through 37, Federal Rules of Civil Procedure, are tolled until the first pre-trial conference, at which time a discovery schedule will be established.

14. The Court will be guided by the Manual for Complex Litigation, Second, approved by the Judicial Conference of the United States and counsel are directed to familiarize themselves with that publication.

DONE and **ORDERED** in Tampa, Florida on May 4, 2006.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Attachment:

Schedule "A"

Schedule "B" - Panel Attorney Service List

Copies Furnished To:

Counsel/Parties of Record

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