

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
(at Covington)

IN RE: DARVOCET, DARVON AND
PROPOXYPHENE PRODUCTS
LIABILITY LITIGATION

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Master File No. 2:11-md-2226
MDL Docket No. 2226
ALL CASES

ORDER

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The plaintiffs have advised that this multi-district litigation is likely to be substantially reduced to only a few cases in the near future, and the parties have submitted their proposals regarding leadership structure, as discussed during the October 21, 2013, Status Conference. [MDL Record No. 2871] Further, counsel have advised that the Plaintiffs’ leadership structure is no longer viable or required, given the diminished number of cases. Therefore, being sufficiently advised, it is hereby

ORDERED as follows:

(1) Vacating Plaintiffs’ Leadership Appointments

The Court previously entered three Orders appointing various Plaintiffs’ counsel to serve in leadership positions. Those Orders are dated October 4, 2011 [MDL Record No. 200], December 28, 2011 [MDL Record No. 797], and September 5, 2012 [MDL Record No. 2187].¹

¹ The May 7, 2013 Order [MDL Record No. 2631] pertains to the appointment of Matthew J. Sill as Plaintiffs’ State Liaison Counsel. Defendants believe that it would benefit the parties and this Court to continue this appointment, as long as Mr. Sill is serving as Plaintiffs’ Appellate Counsel as set forth in Part 2 herein.

The portions of those Orders with respect to Plaintiffs' leadership structure are hereby **VACATED**. Effective immediately, Plaintiffs' appointed counsel are relieved of the leadership responsibilities and obligations described in those Orders. Except as stated in Part 6 below, all other portions of those Orders remain in effect.

Going forward, all of the Plaintiffs' attorneys and unrepresented parties with cases pending in this multi-district litigation — either now or in the foreseeable future — will remain solely responsible for all matters relating to their individual cases.

(2) Appointing Co-Liaison Plaintiffs' Appellate Counsel

Because ninety-one cases that were formerly part of this multi-district litigation are pending on appeal before the United States Court of Appeals for the Sixth Circuit, and potentially could be returned to this multi-district litigation, the Court finds it appropriate to appoint counsel to serve as Plaintiffs' Appellate Liaison Counsel for the duration of those appeals or until such time as the Court determines that a change in the duration or duties of service shall be made.

Plaintiffs' Appellate Liaison Counsel will correspond with the Court regarding the appellate proceedings as described below. The Court appoints the following attorneys as Plaintiffs' Appellate Liaison Counsel:

Richard W. Schulte
Wright & Schulte, LLC
812 East National Road
Dayton, Ohio 45377
(937) 435-7500
rschulte@yourlegalthelp.com

Matthew J. Sill
Sill Law Group
14005 North Eastern Avenue
Edmond, Oklahoma 73013
(404) 509-6300
matt@sill-law.com

Plaintiffs' Appellate Liaison Counsel shall discharge the following duties:

(a) Maintain a list of cases from this multi-district litigation that are on appeal in the Sixth Circuit, including the MDL and appellate docket numbers, the parties' names, and the contact information for Plaintiffs' counsel.

(b) Distribute upon request to the Court and/or Plaintiffs' counsel in the appeals a copy of the list described above and basic information regarding the progress of the appeals. Unless otherwise ordered as a matter of necessity, Plaintiffs' Appellate Liaison Counsel shall not be required to attend status or other conferences in person, and instead can provide their reports via writing or by telephone.

(3) Case Management and Scheduling Order

On October 4, 2011, this Court entered Case Management and Scheduling Order No. 1. [MDL Record No. 199] The portions of that Order that deal with Plaintiffs' counsels' leadership structure and their attendance at status conferences are hereby **VACATED**, effective immediately. All other parts of that Order remain in effect.

(4) Common Benefit Order

The Court previously entered two Orders establishing and outlining terms of a Common Benefit Fund, dated December 28, 2011, [MDL Document No. 794], and January 12, 2012. [MDL Document No. 874] Those Orders are **VACATED**. In the event the Court's prior Orders of Dismissal and Orders of Judgment on the Pleadings are remanded by the Sixth Circuit, the parties may move for reinstatement of these Orders.

(5) Status Conference

This matter is set for a status conference on **Monday, January 27, 2013**, beginning at the hour of **1:30 p.m.**, at the United States District Court in Covington, Kentucky. All Plaintiffs' counsel and unrepresented Plaintiffs with cases then-pending in this multi-district litigation shall participate in the Status Conference to address the continued litigation of their cases, including discovery matters. Plaintiffs' Appellate Liaison Counsel may appear by telephone.

(6) Order regarding Defendants' Steering Committee Leadership & Contact Information

The Court's Order dated October 4, 2011 [MDL Record No. 200], is hereby **AMENDED** to remove the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, and replace it with Quinn Emanuel Urquhart & Sullivan, LLP in the list of four firms that comprise the Defendants' Steering Committee. In addition, the Court's May 25, 2012 Order [MDL Record No. 1886], is modified to reflect the following new contact information for counsel for Generics International (US Parent), Inc.; Generics International (US), Inc., Generics Bidco I, LLC; Generics Bidco II, LLC; and Vintage Pharmaceuticals, LLC:

Rachel B. Passaretti-Wu, Esq.
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
rachelpassarettiwu@quinnemanuel.com

This 6th day of November, 2013.



Signed By:

Danny C. Reeves DCR

United States District Judge