

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: PARAGARD IUD) MDL DOCKET NO. 2974
PRODUCTS LIABILITY)
LITIGATION) (1:20-md-02974-LMM)
) This Document Relates to All Cases

**CASE MANAGEMENT ORDER
REGARDING SHORT FORM COMPLAINTS**

The Court hereby issues this Case Management Order to further address Short Form Complaints (“SFCs”) in MDL No. 2974 (“MDL”).

The Court’s Case Management Order Regarding Direct Filing (Doc. No. 129) (“Direct Filing CMO”), in part, requires (1) plaintiffs with cases pending in this MDL as of June 14, 2021 (the date of the Direct Filing CMO), to file SFCs in their individual cases within 60 days; and (2) plaintiffs whose cases have been transferred to the MDL after June 14, 2021, to file SFCs in their individual cases within 60 days after the case is docketed in the MDL. Pursuant to the Direct Filing CMO, the Court-approved SFC (Doc. No. 129-1) must be used by all plaintiffs in this MDL.

Following consultation with the Court at the October 19, 2021, and December 14, 2021, MDL Status Conference, the Court hereby ORDERS, as follows:

1. As set forth in the Direct Filing Order, all SFCs, whether filed in cases transferred to the MDL or in cases directly filed in the MDL, may name as

defendant(s) only one or more of the five Defendants named in the Second Amended Master Personal Injury Complaint (Doc. No. 79), and the Court-approved SFC (Doc. No. 129-1, ¶8, pp. 2-3) – Teva Pharmaceuticals USA, Inc.; Teva Women’s Health, LLC; Teva Branded Pharmaceutical Products R&D, Inc.; The Cooper Companies, Inc.; and/or CooperSurgical, Inc., (the “Five Defendants”). The Plaintiffs’ SFC supersedes any complaint(s) previously filed by that plaintiff.

2. A plaintiff may not list a defendant or entity other than the Five Defendants in the caption of the SFC.

3. A plaintiff may not include in the body of the SFC a person or entity other than the Five Defendants.

4. Any person or entity named as a defendant in a plaintiff’s prior complaint who is not named in that plaintiff’s SFC is a “dropped defendant,” and by operation of this Case Management Order, the plaintiff’s claims against the dropped defendant are dismissed without prejudice.

5. Any attempt by a plaintiff to reinstate an action against any of the Five Defendants that are dropped must be made through a motion for leave filed in the plaintiff’s individual action in the MDL or as otherwise directed by the Court.

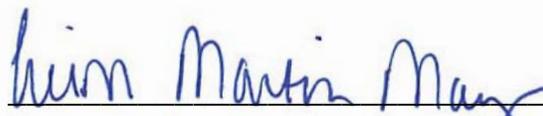
6. If cases involving more than the Five Defendants are transferred to this Court or filed into this Court in a manner other than directly filing into the MDL using the SFC, the Court shall promptly dismiss the plaintiff’s claims against the

Non-Five Defendants Without Prejudice. Such dismissal shall not necessarily preclude these plaintiffs from re-filing suit against the dismissed Non-Five Defendants or prevent the PSC from filing an appropriate motion with the court to add such a defendant to the Master Complaint in accordance with the Federal Rules of Procedure and Evidence.

7. A plaintiff may name in her individual SFC any of the Five Defendants not named by the plaintiff in her prior complaint, unless that Defendant was previously dismissed in plaintiff's individual case by another court, and provided that plaintiff complies with the applicable federal rules and CMOs. Defendants do not waive and reserve and preserve any and all defenses.

8. The Clerk is directed to continue its practice of listing on the docket of individual cases only the Five Defendants permitted to be named in a SFC pursuant to the Direct Filing CMO.

SO ORDERED, this 15th day of December, 2021.


The Honorable Leigh Martin May
United States District Judge
Northern District of Georgia