

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

IN RE: PARAGARD IUD)
PRODUCTS LIABILITY)
LITIGATION)
) **This Document Relates to All Cases**

MDL [DOCKET NO. 2974](#)
(1:20-md-02974-LMM)

CASE MANAGEMENT ORDER REGARDING SERVICE

1. PURPOSE AND DEFINITIONS

This Order will govern the procedure in MDL No. 2974 for service of individual actions pursuant to the terms and conditions of this Order.

1.1 For purposes of this Order, “member actions” shall include all actions transferred to MDL No. 2974 in the Judicial Panel on Multi-District Litigation (“JPML”) Transfer Order dated December 16, 2020; all pending or future related or “tag-along” actions transferred to MDL No. 2974 by the JPML; all pending or future actions filed in state court, removed to a federal district court and transferred to MDL No. 2974 by the JPML; and all future actions that may be directly filed into MDL No. 2974 or properly originally filed in the United States District Court for the Northern District of Georgia and coordinated with MDL No. 2974.

1.2 For purposes of this Order, “Defendants” shall mean Teva Pharmaceuticals USA, Inc., Teva Women’s Health, Inc., Teva Women’s Health, LLC, Teva Branded Pharmaceutical Products R&D, Inc., The Cooper Companies, Inc., and CooperSurgical, Inc.

1.3 Nothing in this Order affects the stay on all responsive pleading deadlines, regardless of method of service, as set forth in the Court’s February 10, 2021 Order ([Doc. 34](#), ¶3).

2. REQUESTS FOR WAIVERS OF SERVICE OF SUMMONS OF PROCESS

2.1 The parties have agreed that Defendants Teva Pharmaceuticals USA, Inc., Teva Women’s Health, Inc., Teva Women’s Health, LLC, Teva Branded Pharmaceutical Products R&D, Inc., The Cooper Companies, Inc., and CooperSurgical, Inc., will accept and execute proper requests for waiver of service of summons of process in accordance with the terms and conditions of this Order.

2.2 A plaintiff may serve an individual complaint on the Defendants listed in Section 2.1 above by sending a copy of the file-stamped complaint and a request for waiver of service of summons separately directed to each named Defendant by e-mail to the following:

Defendant	E-mail address
------------------	-----------------------

Teva Pharmaceuticals USA, Inc.; Teva Women's Health, Inc.; Teva Women's Health, LLC; Teva Branded Pharmaceutical Products R&D, Inc.	TevaParaGardComplaints@ulmer.com
The Cooper Companies, Inc.; CooperSurgical, Inc.	CooperParagardComplaints@ulmer.com

2.3 Plaintiffs are not required to provide a prepaid means for returning the waiver of service of summons form. Defendants shall return signed copies of the waiver forms by email to the plaintiff's attorney who is listed on the waiver form.

2.4 Mailing or emailing of a request for waiver of service of summons of process to a Defendant's attorney is not sufficient to effectuate service of a complaint under this Order.

2.5 Mailing or emailing of a complaint only and without a request for waiver of service of summons of process to the e-mail addresses in Section 2.2 above is not sufficient to effectuate service of a complaint under this Order.

2.6 By executing waivers of service of summons of process, Defendants do not waive any claims, affirmative defense, or other defenses of any nature whatsoever and including as to jurisdiction and venue, except as to the waiver of

service of summons of process.

2.7 The agreement to accept and execute proper requests for waiver of service of summons of process in accordance with the terms and conditions of this Order is not an admission that Teva Women's Health, Inc., exists or can be served, and the parties agree that arguments or defenses by Teva Women's Health, Inc., that it does not exist and cannot be served are not waived and are expressly preserved.

2.8 Nothing in this Order shall be construed as a waiver of a Defendant's right (a) to object to an individual case as being properly within the scope of the JPML's Transfer Order; (b) to object to an individual case as being properly within the scope of MDL No. 2974; or (c) to move to dismiss or transfer venue of such individual case.

3. OTHER METHODS OF SERVICE OF PROCESS

3.1 Nothing in this Order shall be construed to prevent a plaintiff from otherwise utilizing a method for service of process permitted by applicable law, including the Federal Rules of Civil Procedure or other applicable rules for serving process.

4. FAILURE TO SERVE

4.1 Individual complaints are to be served pursuant to the time limits set

forth in Federal Rule of Civil Procedure 4(m).

4.2 A Defendant who is not served within the time limits set forth in Federal Rule of Civil Procedure 4(m) may request from the Court an order to show cause as to why the plaintiff's case against that Defendant should not be dismissed.

IT IS SO ORDERED.

Dated: March 23, 2021



PRESIDING JUDGE

Consented to:

/s/ Erin K. Copeland
Erin K. Copeland, Esq.
Fibich, Leebron, Copeland & Briggs
1150 Bissonnet Street
Houston, Texas 77005
Telephone: 713-352-0470
ecopeland@fibichlaw.com
Co-Lead Counsel for Plaintiffs

/s/ Timothy Clark
Timothy Clark, Esq.
Sanders Phillips Grossman, LLC
16755 Von Karman Avenue, Suite 200
Irvine, California 92606
Telephone: 516-741-5600
tclark@thesandersfirm.com
Co-Lead Counsel for Plaintiffs

/s/ C. Andrew Childers
C. Andrew Childers, Esq.
Childers, Schlueter & Smith, LLC
1932 N. Druid Hills Rd., Suite 100
Atlanta, GA 30319
Tel: (404) 419-9500
Fax: (404) 419-9501
AChilders@cssfirm.com
Liaison Counsel for Plaintiffs

/s/ Frederick M. Erny

Frederick M. Erny, Esq.

Ulmer & Berne, LLP
600 Vine Street, Suite 2800
Cincinnati, OH 45202
Telephone: 513.698.5144
feryn@ulmer.com

Co-Lead Counsel for Defendants

/s/ Gina M. Saelinger

Gina M. Saelinger, Esq.

Ulmer & Berne, LLP
600 Vine Street, Suite 2800
Cincinnati, OH 45202
Telephone: 513.698.5114
gsaelinger@ulmer.com

Co-Lead Counsel for Defendants

/s/ Lori G. Cohen

Lori G. Cohen, Esq.

Greenberg Traurig, LLP
Terminus 200
3333 Piedmont Road NE, Suite 2500
Atlanta, GA 30305
Telephone: 678.553.2385
CohenL@gtlaw.com

Co-Liaison Counsel for Defendants

/s/ Allison Ng

Allison Ng, Esq.

Greenberg Traurig, LLP
Terminus 200
3333 Piedmont Road NE, Suite 2500
Atlanta, GA 30305
Telephone: 678.553.2129
nga@gtlaw.com

Co-Liaison Counsel for Defendants