UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

IN RE: DEPO-PROVERA (DEPOT MEDROXYPROGESTERONE ACETATE) PRODUCTS LIABILITY LITIGATION This Document Relates to: All Cases	Case No. 3:25-md-3140 Judge M. Casey Rodgers Magistrate Judge Hope T. Cannon

Corrected[1] Joint Update and Proposed Agenda
for May 30, 2025 Case Management Conference

In advance of the May 30, 2025, Case Management Conference, the Parties jointly provide the following update and proposed agenda.

I. Preemption/General Causation Discovery.

Pursuant to Case Management Order No. 2., Pfizer Inc., Pharmacia & Upjohn Co. LLC, and Pharmacia LLC ("Pfizer") certified that as of May 12, 2025, it had completed document production on general causation and preemption. Dkt. 288. Pfizer has produced more than 1.4 million documents comprising more than 10 million pages.

However, Pfizer is continuing to produce additional documents from custodial and noncustodial sources. In total, Pfizer has agreed to produce documents from 51

[1] The only change in this Corrected Agenda is to remove the interim title and role from Plaintiffs' Lead Counsel's signature block.

custodians. To date, Pfizer has produced documents from 18 of the 51 custodians, and will produce a privilege log relating to these custodial productions. As to the remaining 33 custodians, identified by Plaintiffs and Pfizer in late April and early May, Pfizer will produce a large portion of the responsive documents on May 30, and will complete the production as soon as possible thereafter. Plaintiffs have sought completion of the production by the following week to ensure coordinated discovery efforts remain on track. The Parties are engaged in continuing efforts to work through issues regarding the production.

At this point pending the production and evaluation of the custodial productions thus far, Plaintiffs have requested three depositions, and the parties are working to schedule them. Plaintiffs anticipate requesting additional depositions after the remaining custodial documents are produced and reviewed.

II. Individual Proof of Use/Injury Collection.

Since the Second Case Management Conference, Pretrial Order No. 17 (Threshold Proof of Use and Injury Requirements), Dkt. 178, was entered on March 14, 2025, and Pretrial Order No. 22 (Identification of Deficiencies in Threshold Proof of Use and Injury Requirements), Dkt 281, was entered on May 6, 2025. Pursuant to those orders, individual plaintiffs have been providing the threshold document proof of their use of Depo-Provera and meningioma diagnosis and proceeding through the process for identifying potential deficiencies in the

Questionnaire and threshold documentation submitted by each Plaintiff. To date, 34 plaintiffs have submitted complete proof of use/injury questionnaires.

III. Status of Prasco, Greenstone, and Viatris.

As the Court is aware, in addition to Pfizer—the NDA-holder for Depo-Provera (active ingredient medroxyprogesterone acetate ("MPA")) NDA 020246—certain MDL plaintiffs have named Prasco, LLC ("Prasco") and Greenstone LLC and Viatris, Inc. ("the Greenstone Defendants") as Defendants in Complaints pending in the MDL. Pursuant to Pfizer's NDA 020246, both Prasco (November 2020-present) and the Greenstone Defendants (2004-2020) distributed the "authorized generic" version of the approved brand name drug, Depo-Provera, which is the exact same drug product as the branded product without the brand name on its label. Although Pfizer was at all times the relevant NDA-holder, manufacturer, packager, and labeler of branded and authorized generic versions of Depo-Provera individual plaintiffs named Prasco and the Greenstone Defendants in their Complaints because, in Plaintiffs' view, discovery was necessary to confirm the specific relationship between Pfizer and the Greenstone Defendants and Pfizer and Prasco, and to determine whether either Prasco or the Greenstone Defendants were also liable for plaintiffs' alleged injuries.

Pursuant to Case Management Order No. 2, Dkt. 179, Prasco and the Greenstone Defendants submitted affidavits of "non-involvement" describing their

involvement selling and distributing authorized generic MPA manufactured, packaged, and labeled by Pfizer pursuant to Pfizer's NDA for Depo-Provera. See Dkt. 217, 234, 245.

In addition, Prasco and the Greenstone Defendants have been fully participating in discovery, including the production of documents. On May 11 and 12, 2025, in compliance with the Scheduling Order, Dkt. 179, the Greenstone Defendants and Prasco, respectively, each certified the completion of document production regarding preemption and general causation. Dkt. 286, 289. Prasco and the Greenstone Defendants continue to fully participate in discovery.

Plaintiffs' Leadership and Prasco are close to finalizing a proposed order dismissing Prasco from cases currently pending in the MDL and establishing a show-cause procedure to facilitate Prasco's dismissal from cases that are directly filed in or transferred to the MDL in the future. Plaintiffs' Leadership and Prasco anticipate providing the Court with the proposed order for the Court's consideration in connection with the upcoming Case Management Conference.

IV. Update on Proof of Use and Proof of Injury Record Collection.

Plaintiffs believe that to facilitate the timely receipt of the threshold proof of use and proof of injury information (and more extensive proofs that may be desirable for litigation), it may become necessary for an order with an accompanying Court-approved, HIPAA-compliant authorization that will facilitate the receipt of certain

healthcare, pharmaceutical, clinic, insurance and formulary records that are relevant to the legal claims in this litigation to the extent that certain medical record providers resist the traditional letter request with authorization.

Plaintiffs are not yet asking the Court to enter any Order or take a specific action on this issue. However, Plaintiffs' Leadership is monitoring the issue and will, if appropriate, provide the court with a representative group of rejections and "no record statements" from medical providers and report back to the Court at the next Case Management Conference regarding the extent of any objections or difficulties in response to plaintiff record requests.

V. State Court Litigation Update.

Cases concerning Depo-Provera and meningioma are currently pending in the following state courts:

- California (6 cases). Defendants have petitioned for a coordinated proceeding; the Judicial Council has asked the Presiding Judge in Alameda County to assign a coordination judge to hear defendants' petition and recommend a site for coordinated proceedings, if granted.
- New York (60 cases). The parties are jointly seeking a coordinated proceeding, as well as a stay of the underlying cases pending coordination. The New York Litigation Coordinating Panel has issued an Order to Show cause seeking any opposition or response to the Joint Petition, with comments

due June 18th. In the interim, the Panel stayed the 58 actions incorporated in the motion. In that the 58 Plaintiffs addressed in the Petition agreed to the request, no opposition is anticipated, and a Coordination is anticipated by the parties. The Parties have agreed to use Brown Greer Centrality for the New York Litigation and Defendants have agreed to accept service via Centrality.

- Pennsylvania (3 cases, including one 100-plantiff complaint)
- Illinois (1 case, not including the Daniels case which has been removed to the Southern District of Illinois)
- New Mexico (1 case)
- Delaware (1 case)

DATED: May 27, 2025 Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2025, I caused the foregoing Corrected Joint Update and Proposed Agenda for May 30, 2025 Case Management Conference to be filed with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record.

/s/ Christopher A. Seeger
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