

**BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

**IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION**

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MDL DOCKET NO. 2740

**RESPONSE OF DEFENDANT SANOFI-AVENTIS U.S. LLC TO MOTION FOR
TRANSFER OF ACTIONS PURSUANT TO 28 U.S.C. SECTION 1407 FOR
CENTRALIZED PRETRIAL PROCEEDINGS**

ORAL ARGUMENT REQUESTED

Defendant sanofi-aventis U.S. LLC (“sanofi-aventis” or “Defendant”)¹ submits this response to the Motion for Transfer filed by Kelly Gahan and Veronica Smith. Sanofi-aventis does not oppose the formation of an MDL and agrees that, given the number of presently filed Taxotere[®] cases, transfer by the Panel to a single district court for coordinated pretrial proceedings is appropriate. For the reasons set forth below, however, sanofi-aventis believes that the District of Colorado or the District of New Jersey are the most appropriate locations for this MDL.²

I. THE TAXOTERE (DOCETAXEL) LITIGATION

First approved by FDA in 1996, Taxotere[®] is a chemotherapy agent indicated for, among other things, the treatment of locally advanced or metastatic breast cancer after failure of prior chemotherapy and of breast cancer that has spread to the lymph nodes (operable, node-positive breast cancer). For more than 20 years, Taxotere[®] has been on the front-line in the treatment of breast cancer and is included in the World Health Organization’s Model List of Essential

¹ Sanofi S.A. and Aventis Pharma S.A. are both foreign entities, located in France, who contest personal jurisdiction and, as such, do not join in this motion. Certain cases subject to transfer also name Sanofi U.S. Services, which does not manufacture, sell, or distribute Taxotere[®] and has been voluntarily dismissed or omitted from pleadings by the majority of plaintiffs.

² The schedule of actions attached to this memorandum includes a complete list of cases that should be subject to transfer.

Medicines. To this day, it is relied upon by oncologists to treat one of the most prevalent forms of cancer in the United States and around the world.

Plaintiffs are women who allege that they developed permanent alopecia (hair loss) following chemotherapy treatment with Taxotere[®]. Plaintiffs do not contend that Taxotere[®] is an ineffective anti-cancer agent or that it failed to treat their life-threatening disease. Instead, they claim that, for some women, the expected hair loss that occurs during chemotherapy has persisted beyond their treatment with Taxotere[®]. Central to their complaint is the claim that, despite clear language in the Taxotere[®] label regarding hair loss, Defendants failed to adequately warn them of this risk.

At present, there are 48 federal actions pending in 22 separate judicial districts across the United States alleging essentially the same conduct by the named defendants. These pending federal cases present a common core of facts in that each: (i) alleges exposure to Taxotere[®] or docetaxel³; (ii) asserts injuries and damages arising from permanent alopecia; and (iii) alleges the same or similar conduct by the named defendants. Indeed, the majority of plaintiffs' complaints are, in many places, worded identically.

In light of those facts, Plaintiffs Kelly Gahan and Veronica Smith filed a motion on July 22, 2016 with the Panel to transfer the pending federal actions for coordinated pretrial proceedings. (Dkt. No. 1). The *Gahan* matter is pending in the District of Colorado before Judge Raymond P. Moore while the *Smith* case is pending in the Eastern District of Louisiana before Judge Sarah S. Vance. Movants suggest that the Panel transfer all Taxotere[®] cases to the

³ Multiple companies (other than sanofi-aventis) manufacture, sell or distribute various forms of docetaxel, which have either been approved by the FDA under the 505(j) or, alternatively, the 505(b)(2) process. These docetaxel products have been on the market since 2011. Several of these entities have been named as defendants in the cases identified in the schedule of actions submitted herewith. *See, e.g., Slade v. Sanofi*, No. 4:16-cv-00215 (E.D.N.C. filed July 28, 2016); *Medici v. Sanofi*, No. 2:16-cv-04221 (E.D.N.Y. filed July 29, 2016); *Phillips v. Sanofi*, No. 1:16-cv-07710 (N.D. Ill. filed July 29, 2016).

Eastern District of Louisiana. *Id.* at 1. Since the instant motion was filed, three additional Interested Party Responses have been submitted, all of which support consolidation:

- On July 26, 2016, Plaintiff Karen Marie Touchi-Peters requested that the Panel transfer all actions to the District of Minnesota or, in the alternative, the Northern District of Illinois. (Dkt. No. 7).
- On July 28, 2016, Plaintiff Jennifer Brown also requested transfer to the Northern District of Illinois, where at least seven Taxotere[®] cases are presently pending – the most of any venue. (Dkt. No. 10).
- On August 3, 2016, Plaintiff Debra Koontz proposed the Southern District of Illinois. Like the MDL petitions recently filed in *In re: Johnson & Johnson “Baby Powder” and “Shower to Shower” Marketing, Sales Practices and Products Liability Litigation* (MDL No. 2738) and *In re: Roundup Products Liability Litigation* (MDL No. 2741), Ms. Koontz specifically requested Judge David R. Herndon. (Dkt. No. 20).

II. THE VENUES PROPOSED BY SANOFI-AVENTIS

The actions listed in movants’ motion – as well as the other actions referenced in the attached schedule – involve similar factual allegations regarding the alleged risk of permanent alopecia following chemotherapy with Taxotere[®] and, as such, would benefit from coordinated pretrial proceedings. While sanofi-aventis agrees with movants regarding the need for a coordinated proceeding, it believes the District of Colorado or the District of New Jersey would be more appropriate venues than those proposed by the Movants or Interested Parties.

A. THE DISTRICT OF COLORADO

The District of Colorado is an appropriate transferee forum and Judge Raymond P. Moore is an appropriate jurist to manage this litigation.

In making MDL decisions, the JPML often looks to where the first-filed case is located and what action is the most procedurally advanced. *See In re Genentech Herceptin (trastuzumab) Mktg. & Sales Practices Litig.*, No. MDL 2700, 2016 WL 1402950, at *2 (J.P.M.L. Apr. 7, 2016) (identifying the Northern District of Oklahoma as the appropriate transferee district, stating the “first-filed and most procedurally advanced action is pending in that district” and that the assigned judge had “presided over the action pending in this district for nearly a year, and thus has developed some familiarity with both the issues in this litigation and with counsel.”); *see also In re Qwest Commc’ns Int’l, Inc., Sec. & “Erisa” Litig. (No. II)*, 444 F. Supp. 2d 1343, 1345 (J.P.M.L. 2006) (holding that assigning the MDL to the District of Colorado judge before whom the matter had been pending for quite some time allowed for the litigation to be guided by a “transferee judge 1) who is already familiar with many of the factual issues posed by these actions, and 2) who will have the flexibility to structure any pretrial proceedings in the newly filed MDL”); *In re Refined Petrol Prods. Antitrust Litig.*, 528 F. Supp. 2d 1365, 1367 (J.P.M.L. 2007) (transferring to the district where the pending action was the “most advanced”).

Here, the District of Colorado meets these key criteria: 1) it has the first-filed Taxotere[®] case (*Gahan*); and 2) the *Gahan* matter is more procedurally developed than any other pending Taxotere[®] matter. Indeed, it is one of the few cases in which all named defendants – including the defendants located in France – have been served.⁴ Further, there are important dispositive

⁴ In the majority of cases, neither Sanofi S.A. nor Aventis Pharma S.A., have been served, likely due the complexity and cost of service via the Hague Convention protocols.

motions pending before Judge Moore. As such, Judge Moore is in a position to address key legal issues from the outset should the JPML send the MDL to that district. In addition, the parties conducted a status conference with the District of Colorado on April 6, 2016 and a scheduling conference on August 15, 2016. The District of Colorado has set a third conference for November 2, 2016, which will likely occur shortly after the JPML's decision on consolidation.

Other factors point toward the District of Colorado as well. Plaintiff Kelly Gahan – the first-filed plaintiff and first to request MDL consolidation – is a Colorado resident, graduated from medical school in Colorado, and alleges that she was treated with Taxotere[®] in Colorado. Plaintiffs will almost certainly recommend Ms. Gahan as a “bellwether” trial candidate if an MDL is created. Moreover, Ms. Gahan has been a leading patient advocate regarding Taxotere[®] and permanent alopecia – the central issue in this litigation. In 2015 (and likely much earlier), Ms. Gahan was communicating directly with FDA officials regarding proposed changes to the Taxotere[®] label regarding alopecia. *See* e-mail communication from FDA to Ms. Gahan (and others) regarding the December 2015 Taxotere[®] label change (obtained via the Freedom of Information Act (FOIA), 5 U.S.C. § 552) (attached as **Exhibit A**). Based on Exhibit A, Ms. Gahan was also likely in contact with a number of other Taxotere[®] patients (and now plaintiffs), including one who was prominently featured in news articles in 2010 on the issue of Taxotere[®] and permanent alopecia. *See, i.e., Women Who Took Chemo Drug Say They Weren't Warned of Permanent Hair Loss* (The Globe And Mail); *'I Beat Breast Cancer, But I'll Never Beat Baldness', Says One Devastated Woman* (Daily Mail). In light of these facts, Ms. Gahan is not only a key plaintiff in this litigation, but will likely be a fact witness in other Taxotere[®] matters as well. These unique circumstances weigh in favor of locating the MDL in the District of Colorado.

Further, the majority of all Taxotere[®] complaints filed (including the *Gahan* complaint) allege that critical “trigger” events relating to permanent alopecia took place in Colorado, another factor supporting consolidation in that District. Specifically, plaintiffs allege that as early as 2006 defendants “knew or should have known that a Denver-based oncologist in the United States had observed that an increased percentage (6.3%) of his patients who had taken docetaxel (TAXOTERE[®]) suffered from permanent disfiguring hair loss for years after the patients had stop [*sic*] taking docetaxel (TAXOTERE[®]).” *Gahan* 2d Am. Compl. ¶ 85. It is anticipated that plaintiffs will rely on this Denver-based physician’s findings, which all center on activities in Colorado, and that more Colorado residents will file similar lawsuits – including plaintiffs treated by the same physician as Ms. Gahan.

The District of Colorado is also the most convenient location for lead counsel for *both* Plaintiff and Defendants. Counsel for Ms. Gahan – Bachus & Schanker – are based in Denver. To date, the Bachus & Schanker firm has filed the majority of Taxotere[®] cases across the country and have represented that they have the largest inventory of yet-to-be filed Taxotere[®] matters. In addition to *Gahan*, this same firm represents Plaintiff Melissa Leith, whose Taxotere[®] case is also pending in the District of Colorado. The firm’s principals, Kyle Bachus and Darin Schanker, will certainly assume lead roles in any Taxotere[®] MDL and locating the MDL in the District of Colorado would eliminate unnecessary travel for hearings and conferences. Their offices are a ten minute walk from Judge Moore’s chambers at the Alfred A. Arraj Courthouse. Likewise, Defendants’ National Counsel – Shook, Hardy & Bacon LLP – has an office in Denver that is less than a mile from the courthouse and two blocks from Plaintiff’s counsel’s office.

Denver is also convenient for the other attorneys that are likely to be involved in this litigation. Denver is a central location and has a large international airport with multiple daily direct flights to and from major U.S. cities. Located between the coasts, the District of Colorado would allow for the convergence of plaintiffs and counsel to meet and cooperate. Counsel for the additional Interested Parties are based in Minnesota, Chicago and St. Louis – all of which have airports that provide short, direct, and frequent flights to Denver International Airport.

Finally, with only one pending MDL, the District of Colorado also has sufficient staff and resources to devote to this matter. And, although Judge Moore has not presided over an MDL previously, that fact is of no issue here. The JPML routinely sends MDLs to first-time MDL jurists. *See, e.g., In re Genentech*, 2016 WL 1402950, at *2 (stating “centralization before Judge Kern allows us to assign this litigation to an able and experienced jurist who has not yet had the opportunity to preside over an MDL.”); *In re: Gadolinium Contrast Dyes Prods. Liab. Litig.*, 536 F. Supp. 2d 1380, 1382 (J.P.M.L. 2008) (assigning MDL to first-time jurist); *In re Guidant Corp. Implantable Defibrillators Prods. Liab. Litig.*, 542 F. Supp. 2d 1365, 1366 (J.P.M.L. 2008) (same). When all factors are taken together, the District of Colorado is the most appropriate venue for this MDL.

B. THE DISTRICT OF NEW JERSEY

In addition to the District of Colorado, the District of New Jersey is also a more appropriate transferee forum than those previously proposed by plaintiffs.

Section 1407(a) specifically instructs that the “convenience of parties and witnesses” is a relevant consideration in determining the location of an MDL. *See In re Live Concert Antitrust Litig.*, 429 F. Supp. 2d 1363, 1364 (J.P.M.L. 2006) (noting the location of the defendant’s headquarters was a relevant transfer location factor); *In re Avandia Mktg., Sales Practices &*

Prods. Liab. Litig., 528 F. Supp. 2d 1339, 1340–41 (J.P.M.L. 2007) (transferring the centralized cases to a district where the pharmaceutical manufacturer defendant had its principal place of business and where many relevant documents and witnesses would therefore be located).

In this instance, Defendant sanofi-aventis is headquartered in Bridgewater, New Jersey. Sanofi-aventis is the Defendant that: 1) marketed, sold, and distributed Taxotere[®] in the United States; 2) holds the approved New Drug Application (“NDA”) for Taxotere[®]; and 3) is responsible for corresponding with FDA on the labeling issues central to plaintiffs’ allegations. New Jersey is home to thousands of sanofi-aventis employees and where its regulatory, drug safety, medical information services, and pharmacovigilance departments, among others, are located. And, while movants discount the convenience of New Jersey due to developments in electronic discovery, they fail to take into account the human cost and the obvious convenience of centralizing proceedings near Defendant’s witnesses.

The District of New Jersey is also well-equipped to marshal this litigation from a documentary and logistics perspective. The District of New Jersey has extensive experience in pharmaceutical and medical device litigation and currently presides over *In re Benicar (Olmesartan) Products Liability Litigation* (MDL 2606), *In re Zimmer Durom Hip Cup Products Liability Litigation* (MDL 2158), *In re Fosamax (Alendronate Sodium) Products Liability Litigation (No. II)* (MDL 2243), and *In re Plavix Marketing, Sales Practices and Products Liability Litigation (No. II)* (MDL 2418). The District, however, is far from overburdened – it is only the 39th-busiest district court by pending cases per judge. See *Federal Court Management Statistics, March 2016*, UNITED STATES COURTS (March 31, 2016), <http://www.uscourts.gov/statistics-reports/federal-court-management-statistics-march-2016>.

Based on their experience, the judges in the District of New Jersey understand the complexities of pharmaceutical products liability litigation and how best to manage the myriad of legal, factual, and procedural issues such MDLs present. For example, Judge Wolfson has helped dispose of nearly all of the more than 1,200 filed cases in the Fosamax MDL. She also currently oversees the Plavix MDL, in which sanofi-aventis is a defendant. *See In re Plavix Mktg., Sales Practices & Products Liab. Litig. (No. II)*, 923 F. Supp. 2d 1376, 1379–80 (J.P.M.L. 2013). Judge Wolfson’s experience is in line with the other judges in the District of New Jersey. Even the District’s most recent appointee – Judge Brian R. Martinotti – has ample experience handling large, consolidated products liability actions.⁵ Before arriving at the federal bench, Judge Martinotti was designated as one of the State of New Jersey’s three mass tort judges and handled consolidated proceedings in the NuvaRing litigation, among others.

Finally, all three of the District’s locations (Newark, Trenton, and Camden) are in an advantageous geographic position between New York City and Philadelphia. These locations feature access to several large airports. *See, e.g., In re Collecto, Inc. Tel. Cons. Prot. Act Litig.*, 999 F. Supp. 2d 1373, 1374 (J.P.M.L. 2014) (transferring multidistrict litigation to District of Massachusetts, in part, because the District provided “a geographically convenient forum for this nationwide litigation”). Each of these locations is also a short drive from sanofi-aventis’ New Jersey headquarters. Although there are no presently pending Taxotere[®] matters in New Jersey, the facts described above offer far more compelling reasons to locate the MDL in this venue than those proposed by Movants or other Interested Parties. *See, e.g., In re Health Management*

⁵ In 2012, Judge Martinotti authored the article *Complex Litigation in New Jersey and Federal Courts: An Overview of the Current State of Affairs and A Glimpse of What Lies Ahead*. *See* Hon. Brian R. Martinotti, J.S.C., *Complex Litigation in New Jersey and Federal Courts: An Overview of the Current State of Affairs and A Glimpse of What Lies Ahead*, 44 LOY. U. CHI. L.J. 561 (2012).

Assos., Inc. Qui Tam Litigation (No. II), 11 F. Supp. 3d 1346, 1348 n.6 (J.P.M.L. 2014) (“Although no constituent action currently is pending in the District of District of Columbia, that is no impediment to its selection as transferee district.”); *In re Biomet M2A Magnum Hip Implant Prods. Liab. Litig.*, 896 F.Supp.2d 1339, 1340 (J.P.M.L. 2012) (same); *In re Southwestern Life Ins. Co. Sales Pracs. Litig.*, 268 F.Supp.2d 1377, 1378 (J.P.M.L. 2003) (same).

III. THE VENUES PROPOSED BY MOVANT AND THE INTERESTED PARTIES

Sanofi-aventis agrees with Movants regarding the need for a coordinated proceeding, and, while it believes the District of Colorado or District of New Jersey are the most appropriate choices, the Eastern District of Louisiana, the District of Minnesota, or the Northern District of Illinois are more appropriate venues than the Southern District of Illinois.

A. The Eastern District of Louisiana

Movants generally request the Eastern District of Louisiana. The District currently exercises jurisdiction over five Taxotere[®] cases, including the *Veronica Smith* matter, which is assigned to Judge Sarah Vance. The remaining Taxotere[®] matters in the Eastern District are assigned to Judge Eldon Fallon (the *Wanda Smith* matter), Judge Martin Feldman (the *Yvonne Bemiss* matter), Judge Jay Zainey (the *Alma Walter* matter), and Judge Ivan Lemelle (the *Carol Webb* matter), respectively.

While the Eastern District of Louisiana does not present the advantages of the District of Colorado or the District of New Jersey, it is a venue with relevant experience. As referenced by Movants, Judge Vance would be appropriate to oversee the adjudication of these cases as she has the requisite experience and capacity to effectively manage the potential caseload of the litigation. Judge Vance has successfully moved two prior multidistrict litigations in the Eastern District of Louisiana to completion – *In re Ford Motor Co. Vehicle Paint Litigation* (MDL 1063)

and *In re Education Testing Service PLT 7-12 Test Scoring Litigation* (MDL 1643) – and is currently resolving a third multidistrict litigation where the primary defendants have settled with plaintiffs – *In re Pool Products Distribution Marketing Antitrust Litigation* (MDL 2328).

Similarly, the other judges in the Eastern District have demonstrated the ability to successfully handle large multi-district litigations. *See e.g., In re Vioxx Products Liab. Litig.*, 360 F. Supp. 2d 1352, 1354 (J.P.M.L. 2005) (“[W]e are assigning this litigation to a jurist experienced in complex multidistrict products liability litigation and sitting in a district with the capacity to handle this litigation.”); *see also In re Xarelto (Rivaroxaban) Prods. Liab. Litig.*, 65 F. Supp. 3d 1402 (J.P.M.L. 2014); *In re Chinese-Manufactured Drywall Prods. Liab. Litig.*, 626 F. Supp. 2d 1346 (J.P.M.L. 2009); *In re: DirecTech Sw., Inc., Fair Labor Standards Act (FLSA) Litig.*, 581 F. Supp. 2d 1370, 1371 (J.P.M.L. 2008); *In re High Sulfur Content Gasoline Products Liab. Litig.*, 344 F. Supp. 2d 755, 757 (J.P.M.L. 2004).

B. THE NORTHERN DISTRICT OF ILLINOIS AND THE DISTRICT OF MINNESOTA

Both the Touchi-Peters Response and Memorandum of Law (Dkt. No. 7) and the Brown Brief in Support (Dkt. No. 10) suggest the Northern District of Illinois. The Northern District of Illinois is home to seven currently filed cases spread across multiple plaintiffs’ firms. Plaintiffs propose assignment to Judge Darrah, who currently oversees the *Spann* and *Phillips* matters. The other Northern District of Illinois cases are assigned to Judge John J. Tharp, Jr. (the *Renita Johnson* matter), Judge Virginia M. Kendall (the *Christine Pistone* matter); Judge John Z. Lee (the *Linda Traylor* matter) and Judge Milton I. Shadur (the *Jennifer Brown* matter), respectively.

Judges in the Northern District have likewise demonstrated an ability to actively manage multi-district litigations. For example, Judge Darrah is presently handling *In re: Herbal Supplements Marketing and Sales Practices Litig.* (MDL No. 2619). Judge Shadur is overseeing

In re: Stericycle, Inc., Steri-Safe Contract Litig. (MDL No. 2455). And Judge Lee is in charge of *In re: National Collegiate Athletic Association Student-Athlete Concussion Injury Litig.* (MDL No. 2492), which is in the process of winding down following preliminary resolution. All of these judges would be well-equipped. There is, however, no driving reason to otherwise send these matters to the Northern District of Illinois as there is with the District of Colorado or District of New Jersey.

Movant Touchi-Peters also requests transfer to the District of Minnesota and sanofi-aventis likewise does not oppose this transferee venue. Touchi-Peters cites Minneapolis's metropolitan location as the primary reason for selection. The District possesses an extensive track record of successful handling of MDLs and currently has ten pending MDLs, which demonstrates the JPML's confidence in the District's effective case management protocols. Yet, this District does not otherwise have the geographical or fact-based benefits that the District of Colorado and the District of New Jersey provide.

C. THE SOUTHERN DISTRICT OF ILLINOIS

In her Interested Party Response, Plaintiff Debra Koontz proposes the Southern District of Illinois, which sanofi-aventis does not believe is the appropriate venue for the following reasons.

First, there is no factual nexus supporting centralization of this litigation in the Southern District. Defendants are not located near this District, nor are any documents or witnesses. And, although there are four cases presently pending in the Southern District, three of those cases (the *Barbara Dalton*, *Debra Koontz* and *Kelly Shanks* matters) have been filed by a single St. Louis-based law firm – Neimeyer, Grebel & Kruse LLC. The fourth case and the first to be filed in the Southern District (the *Mary Chase* matter), is being handled by the Johnson & Becker

firm, which has moved to have the Taxotere[®] litigation consolidated in the District of Minnesota or, in the alternative, the Northern District of Illinois. Moreover, none of these cases is advanced beyond the filing of an initial complaint. Thus, while the Southern District has track record of handling large products liability MDLs, there is no compelling reason to send this specific MDL to that location.

Second, the Southern District is already the seventh-busiest district court in the country by pending civil cases per judge. *See Federal Court Management Statistics, March 2016, UNITED STATES COURTS* (March 31, 2016), <http://www.uscourts.gov/statistics-reports/federal-court-management-statistics-march-2016>.⁶ And while Plaintiff Debra Koontz has specifically requested that the MDL be handled by Judge David Herndon, she is just one of many to recently do so. Judge Herndon has also been specifically requested by movants in both the *In re: Roundup Products Liability Litigation* proposed MDL (MDL 2741) and the *In re: Johnson & Johnson “Baby Powder” and “Shower to Shower” Marketing, Sales Practices and Products Liability Litigation* proposed MDL (MDL 2738). Both the *Roundup* and *Baby Powder* petitions were filed before Koontz’s Interested Party Response was filed, all of which bolsters the concern regarding space and availability on Judge Herndon’s busy docket. Judge Herndon is also currently presiding over two MDLs: *In re Pradaxa (Dabigatran Etextilate) Products Liability Litigation* (MDL 2385) and *In re Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation* (MDL 2100). For these reasons, sanofi-aventis believes this is the least suitable venue for this litigation.

⁶ On July 6, 2016, Judge Rosenstengel entered an order in the *In re Depakote* consolidated proceeding stating that she intends to “ensure that the majority, if not all, of the cases pending in this district are tried by the end of 2017.” *See Order* at 1-2, *In re Depakote*, No. 3:12-cv-00052 (S.D. Ill. Filed July 6, 2016) (attached as **Exhibit B**). According to Judge Rosenstengel, “it appears that” her trial plan will be “a massive undertaking involving all of this district’s resources.” *Id.*

CONCLUSION

For the foregoing reasons, sanofi-aventis respectfully requests that the Panel transfer the actions identified in the attached schedule to the District of Colorado before Judge Raymond Moore who has the first-filed action or, alternatively, to the District of New Jersey for coordinated pretrial proceedings.

Dated: August 16, 2016

Respectfully Submitted,

SHOOK, HARDY & BACON L.L.P.

/s/ Jon Strongman

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*ATTORNEY FOR DEFENDANT
SANOFI-AVENTIS U.S. LLC*

(Personal Information Redacted)

Dr. Sharlin,

The Food and Drug Administration (FDA) officials reviewed MedWatch reports submitted to FDA. The information related to this labeling change can only be obtained through a Freedom of Information Act (FOIA) request. For information about how to submit a FOIA request, see: <http://www.fda.gov/regulatoryinformation/foi/howtomakeafoiarequest/default.htm>.

Regards,
Deborah

Deborah J. Miller, Ph.D., M.P.H., M.S.N., R.N.

Health Programs Coordinator

Cancer Patient Liaison Program
Office of Health & Constituent Affairs
Office of External Affairs
U.S. Food and Drug Administration



From: Joshua Sharlin, Ph.D. [REDACTED]
Sent: Wednesday, February 03, 2016 10:01 AM
To: Miller, Deborah
Subject: What Events Added Permanent Alopecia to the Taxotere Label?

Deb:
I have a copy of your 14Dec2015 email (subject line "Taxotere").

In that email you said:

*First, new information on **permanent or irreversible alopecia** is now required in Section **6.2** (Postmarketing Experience) and to Section **1.7** (Patient Counseling Information) of the Patient Package Insert (PPI) for Taxotere. (I tried to include a copy of the new label, but it's not on FDA's Web site yet. This change was just approved on December 11, 2015.)*

What was the sequence of events that led to this label change?

Can you refer me to the relevant documents (or email them to me)?

Thanks,
Josh

Joshua Sharlin, Ph.D.
[REDACTED]

Steven Johnston

From: Steven Johnston
Sent: Saturday, January 09, 2016 3:04 PM
To: Steven Johnston
Subject: Taxotere FDA action

Begin forwarded message:

From: "Miller, Deborah" [REDACTED]
Date: December 14, 2015 at 12:42:23 PM MST
To: kelly gahan [REDACTED]

[REDACTED]

[REDACTED], shirleyledlie <

Subject: Taxotere

Hi everyone,
I know it's been a while since I've been in touch but there was nothing I could say to anyone during the investigation (this is in the Code of Federal Regulations). But now I have some news for you.

First, **new information on permanent or irreversible alopecia** is now required in Section 6.2 (Postmarketing Experience) and to Section 17 (Patient Counseling Information) of the Patient Package Insert (PPI) for Taxotere. (I tried to include a copy of the new label, but it's not on FDA's Web site yet. This change was just approved on December 11, 2015.)

Second, FDA cleared for marketing in the United States the first cooling cap to reduce hair loss in breast cancer patients undergoing chemotherapy on December 8, 2015. See:

<http://www.fda.gov/newsevents/newsroom/pressannouncements/ucm476216.htm>

And finally, the editors of the Oncology Nursing Society (ONS) are planning to write an article about the importance of nurses explaining to patients the possible side effects of different chemotherapy agents, including permanent alopecia from Taxotere. Additionally, ONS staff suggested that you speak to some of the breast cancer patient advocacy groups (such as the Komen Foundation, National Breast Cancer Coalition, Breast Cancer Choices, etc.) These advocacy groups communicate with hundreds of patients and can help get the word out to newly diagnosed patients.

All of these actions are because of you! Thank you for making FDA aware of this important matter!

**Regards,
Deb**

Deborah J. Miller, Ph.D., M.P.H., M.S.N., R.N.

Health Programs Coordinator

Cancer Patient Liaison Program
Office of Health & Constituent Affairs
Office of External Affairs
U.S. Food and Drug Administration



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE DEPAKOTE:)	
)	
RHEALYN ALEXANDER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 12-CV-52-NJR-SCW
)	
ABBOTT LABORATORIES, INC.,)	LEAD CONSOLIDATED CASE
)	
Defendant.)	

ORDER

ROSENSTENGEL, District Judge:

This Court currently has 129 cases, involving approximately 691 plaintiffs, pending on its docket. The first cases were filed in 2012, and cases continue to be filed each month. One bellwether case was tried in this Court in March 2015, and three other cases have been tried since then in other venues. At this point, three additional cases are set for trial in this district later this year. A case scheduled for trial in June 2016 has been continued generally in light of the unavailability of Plaintiffs' liability expert.

As the Court noted in its Order dated April 25, 2016 (Doc. 467), global settlement efforts have failed. Thus, it appears that a massive undertaking involving all of this district's resources will be required to try the majority of cases on the Court's docket. At the current pace of case resolution, the undersigned has calculated it will take over 34 years to close each case on the docket. The undersigned is currently consulting with Chief Judge Michael J. Reagan and the Circuit Executive for the Seventh Circuit to obtain the resources necessary to ensure that the majority, if not all, of the cases pending in this

district are tried by the end of 2017. This will obviously mean that many claims will necessarily be tried together at the same time, with multiple judges in several courthouses. While the issues are complicated and joint trials may in some circumstances be impracticable, at this point the Court can only focus on finding common issues to try, and extensive efforts will be spent to identify where the issues overlap.

While the Court recognizes trying all the cases by the end of 2017 is an ambitious timeframe, counsel is reminded that the majority of these cases have been pending in this district for almost four years. Unfortunately, it appears that the “bellwether” process has failed for these cases, given that there have been four Depakote trials in this country since 2013, and yet only *one* of hundreds of cases (in another district court—following a jury trial) has settled. The Court is also mindful that there are many attorneys representing both sides of this litigation, and both sides have significant resources to accomplish the work that needs to be done.

The parties are advised that the Court is now considering a variety of methods to allow for the joint and expedient resolution of all claims, including bifurcation of the issues, limitation of testimony, shortened trials, and, of course, to the extent possible, multiple trials of claims involving the same label and/or other overlapping issues. These methods will assist the Court in its obligation to “secure the just, speedy, and inexpensive determination” of these cases (*see* FED. R. CIV. P. 1) and are consistent with Rule 42.

In order to allow the Court to select groups of similar claims for trial, the parties are **ORDERED** to conduct the deposition of the prescribing physician(s) in the 132 cases attached as Exhibit A within **90 days** of the date of this Order. The parties shall report the following information to the Court within **14 days** of each deposition: (1) a summary of the physician's testimony, including the details of the prescribing decision, the indication, and the warning given; (2) the relevant Depakote label; (3) details concerning the warnings given as reflected in the medical records, and (4) any other relevant information related to the individual claim. The parties shall file a *joint* report (not to exceed five pages) for each deposed prescriber and, to the extent counsel is unable to agree on a summary of the testimony, counsel shall state their respective positions separately within the *same document* and attach a copy of the complete deposition transcript.

Counsel for Plaintiffs shall alert the Court concerning any prescribing physicians who cannot be located and/or produced for deposition within this timeframe as soon as possible but in any event before the expiration of the 90 day deadline and/or move for voluntary dismissal of those individual claims. Subpoena requests for depositions of any recalcitrant prescribing physicians will be liberally granted. The Court will review the summaries of the prescribing physician testimony as they are submitted and determine whether the case should proceed to a deposition of the mother and/or full discovery on that claim. The Court also will continue to review the pending cases and select the next group of cases to proceed with prescriber depositions.

Finally, because trial counsel will be consumed in the coming months with conducting these depositions and preparing mass cases for trial, both sides are *strongly encouraged* to retain independent, separate settlement counsel to pursue the possibility that at least some of these claims could be resolved without a trial and the inevitable costly appeal that will follow. While the Court's suggestion of this tactic has fallen on deaf ears in the past, it continues to be quite apparent that trial counsel is focused on trying individual claims, something the Court cannot do for the next 34 years. The parties shall continue to consult with the mediators in this case, attorneys Randi Ellis and John Perry, in an effort to resolve at least some of the cases on the Court's docket.

IT IS SO ORDERED.

DATED: July 6, 2016

Handwritten signature of Nancy J. Rosenstengel in black ink, written over a circular seal of the United States District Court for the District of Columbia.

NANCY J. ROSENSTENGEL
United States District Judge

**BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

**IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION**

MDL DOCKET NO. 2740

SCHEDULE OF ACTIONS

	PLAINTIFFS	DEFENDANTS	JURISDICTION	CASE NO.	District Ct. Judge / Magistrate:
1.	Collins, Valesta	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC	Central District of California (Western Division (Los Angeles))	2:16-cv-05418	Manuel L. Real (District Judge); Rozella A. Oliver (Magistrate)
2.	Dodson, Ami	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC	Northern District of California (Oakland)	4:16-cv-01251	Phyllis J. Hamilton (District Judge)
3.	Sandler, Abigail	Sanofi S.A., Aventis Pharma S.A., Sanofi- Aventis U.S. LLC., doing business as WINTHROP US.	Southern District of California (San Diego)	3:16-cv-01861	Anthony J. Battaglia (District Judge); Karen S. Crawford (Magistrate)
4.	Gahan, Kelly	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC, separately, and doing business as Winthrop U.S.	District of Colorado (Denver)	1:15-cv-02777	Raymond Moore (District Judge); Michael Watanabe (Magistrate)
5.	Leith, Melissa F.	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC, separately, and doing business as Winthrop U.S.	District of Colorado (Denver)	1:16-cv-00741	William J. Martinez (District Judge); Michael J. Watanabe (Magistrate)
6.	Brown, Jennifer	Sanofi S.A., Aventis Pharma S.A., Sanofi US Services Inc., and	Northern District of Illinois (Eastern Division (Chicago))	1:16-cv-07496	Milton I. Shadur (District Judge); M. David Weisman

		Sanofi-Aventis U.S. LLC			(Magistrate)
7.	Johnson, Renita	Sanofi S.A., Aventis Pharma S.A., Sanofi-Aventis U.S. LLC. & Sanofi-Aventis US., LLC.	Northern District of Illinois (Eastern Division (Chicago))	1:16-cv-06754	John J. Tharp, Jr (District Judge); Mary M. Rowland (Magistrate)
8.	Pistone, Christine	Sanofi S.A., Aventis Pharma S.A., Sanofi US Services Inc., and Sanofi-Aventis U.S. LLC	Northern District of Illinois (Eastern Division (Chicago))	1:16-cv-04028	Virginia M. Kendall (District Judge); Jeffrey Gilbert (Magistrate)
9.	Spann, Erma	Sanofi S.A., Aventis Pharma S.A., and Sanofi-Aventis U.S. LLC	Northern District of Illinois (Eastern Division (Chicago))	1:16-cv-03038	John W. Darrah (District Judge); Jeffrey Gilbert (Magistrate)
10.	Traylor, Linda	Sanofi S.A., Aventis Pharma S.A., and Sanofi-Aventis U.S. LLC	Northern District of Illinois (Eastern Division (Chicago))	1:16-cv-05651	John Z. Lee (District Judge)
11.	Wysocki, Theresa	Sanofi S.A., Aventis Pharma S.A., Sanofi US Services Inc., and Sanofi-Aventis U.S. LLC	Northern District of Illinois (Eastern Division (Chicago))	1:16-cv-07059	Robert M. Dow, Jr. (District Judge); M. David Weisman (Magistrate)
12.	Chase, Mary Renee	Sanofi S.A., Aventis Pharma S.A., Sanofi-Aventis U.S., Inc., & Sanofi-Aventis U.S. LLC	Southern District of Illinois (East St. Louis)	3:16-cv-00588	Staci M. Yandle (District Judge); Philip M. Frazier (Magistrate)
13.	Dalton, Barbara	Sanofi S.A., Aventis Pharma S.A., and Sanofi-Aventis U.S. LLC	Southern District of Illinois (East St. Louis)	3:16-cv-00718	Nancy J. Rosenstengel (District Judge); Stephen C. Williams (Magistrate)
14.	Koontz, Debra	Sanofi S.A., Aventis Pharma S.A., Sanofi-Aventis U.S. LLC., and doing business	Southern District of Illinois (East St. Louis)	3:16-cv-00805	David R. Herndon (District Judge); Stephen C. Williams (Magistrate)

		as WINTHROP US.			
15.	Shanks, Kelly	Sanofi S.A., Aventis Pharma S.A., Sanofi-Aventis U.S. LLC., separately, and doing business as WINTHROP US.	Southern District of Illinois (East St. Louis)	3:16-cv-00828	Staci M. Yandle (District Judge); Philip M. Frazier (Magistrate)
16.	Detrixhe, Karen	Sanofi S.A., Aventis Pharma S.A., and Sanofi-Aventis U.S. LLC	District of Kansas (Kansas City)	2:16-cv-02250	Carlos Murguia (District Judge); Kenneth G. Gale (Magistrate)
17.	Bemiss, Yvonne	Sanofi S.A., Aventis Pharma S.A., Sanofi-Aventis U.S. LLC., and doing business as WINTHROP US.	Eastern District of Louisiana (New Orleans)	2:16-cv-06425	Martin L.C. Feldman (District Judge); Janis vanMeerveld (Magistrate)
18.	Smith, Veronica A.	Sanofi S.A., Aventis Pharma S.A., Sanofi-Aventis U.S. LLC., separately, and doing business as WINTHROP US.	Eastern District of Louisiana (New Orleans)	2:16-cv-12943	Sarah S. Vance (District Judge); Joseph C. Wilkinson, Jr. (Magistrate)
19.	Smith, Wanda	Sanofi S.A., Aventis Pharma S.A., Sanofi-Aventis U.S. LLC., and doing business as WINTHROP US.	Eastern District of Louisiana (New Orleans)	2:16-cv-07794	Eldon E. Fallon (District Judge); Daniel E. Knowles, III (Magistrate)
20.	Walter, Alma	Sanofi S.A., Aventis Pharma S.A., Sanofi-Aventis U.S. LLC., separately, and doing business as WINTHROP US.	Eastern District of Louisiana (New Orleans)	2:16-cv-12706	Jay C. Zainey (District Judge); Janis van Meerveld (Magistrate)

21.	Webb, Carol	Sanofi S.A., Aventis Pharma S.A., Sanofi- Aventis U.S. LLC., and doing business as WINTHROP US.	Eastern District of Louisiana (New Orleans)	2:16-cv-10763	Ivan LR Lemelle (District Judge); Michael North (Magistrate)
22.	Burney, Brenda	Sanofi S.A., Aventis Pharma S.A., Sanofi- Aventis U.S. LLC., and doing business as WINTHROP US.	Middle District of Louisiana (Baton Rouge)	3:16-cv-00388	Brian A. Jackson (District Judge); Erin Wilder- Doomes (Magistrate)
23.	Touchi-Peters, Karen Marie	Sanofi S.A., Aventis Pharma S.A., Sanofi US Services Inc., Sanofi-Aventis U.S. LLC	District of Minnesota	0:16-cv-02464	Susan Richard Nelson (District Judge); Franklin L. Noel (Magistrate)
24.	Carpenter, Homer	Sanofi S.A., Aventis Pharma S.A., Sanofi- Aventis U.S. LLC., and doing business as WINTHROP US.	Southern District of Mississippi (Northern (Jackson))	3:16-cv-00289	Tom S. Lee (District Judge); Robert H. Walker (Magistrate)
25.	Chase, Florine	Sanofi S.A., Aventis Pharma S.A., Sanofi- Aventis U.S. LLC., and doing business as WINTHROP US.	Southern District of Mississippi (Northern (Jackson))	3:16-cv-00404	William H. Barbour, Jr (District Judge); John C. Gargiulo (Magistrate)
26.	Grines, Hattie B.	Sanofi S.A., Aventis Pharma S.A., Sanofi- Aventis U.S. LLC., and doing business as WINTHROP US.	Southern District of Mississippi (Northern (Jackson))	3:16-cv-00488	William H. Barbour, Jr. (District Judge); John C. Gargiulo (Magistrate)
27.	Jones, Angela	Sanofi S.A., Aventis Pharma S.A., Sanofi- Aventis U.S. LLC., and doing business	Southern District of Mississippi (Northern (Jackson))	3:16-cv-00288	Tom S. Lee (District Judge); Robert H. Walker (Magistrate)

		as WINTHROP US.			
28.	Tolefree, Christine	Sanofi S.A., Aventis Pharma S.A., Sanofi-Aventis U.S. LLC., and doing business as WINTHROP US.	Southern District of Mississippi (Northern (Jackson))	3:16-cv-00412	Henry T. Wingate (District Judge); Linda R. Anderson (Magistrate)
29.	Addelson, Barbara and Dorethea Braxton	Sanofi S.A., Aventis Pharma S.A., Sanofi US Services Inc. and Sanofi-Aventis U.S. LLC	Eastern District of Missouri (Eastern Division (St. Louis))	4:16-cv-01277	E. Richard Webber
30.	Bickley, Jalyne, Linda Bartee, Kristen Barry, Mary Brown, Sharon Carter, Condeal Copeland, Tonya Cox, Theresa Dillihunt, Jacqueline Dillon, Arnetha Fairley, Eleanor Gaines, Margaret Gentile, Arlene Gilman, Dawne Gray, Jane Hall, Amy Harley, Bobby Hines, Carrie Hookfin-Walker, Lavoria Jones, Sabrina Jones, Josephine Jones, Elaine Kaifes, Lynda McGill, Shenon Nicholas-Miller, Melvena Owens, Marybell Rodriguez, Jessie Thompson, Gwendolyn Kirby, Ana Aktoprak, Roseanne Bode, Charlotte Bumgarner, Sandra Burks, Debra	Sanofi S.A., Aventis Pharma S.A., and Sanofi-Aventis U.S. LLC, separately, and doing business as Winthrop U.S.	Eastern District of Missouri (Eastern Division (St. Louis))	4:16-cv-01307	Ronnie L. White

	Mallory, Delores Howard, Eugenia Ruiz, Diane Thompson, Wendy Crone, Adell Freeman, Linda Biniak, Michelle Thrash, Ramona Shemil, Courtney Preusse, Vicki Sanchez, Joann Thompson, Sarah Tomlinson, Sandra Acox, Joanne Boyland, Jennifer Clinkscales, Yvette Cordell, Gwendolyn Craddieth, Barbara Lawrence, Shaunna Kobilis				
31.	Mottola, Kathy	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC	Western District of North Carolina (Charlotte)	3:16-cv-00255	Robert J. Conrad, Jr. (District Judge); David Keesler (Magistrate)
32.	Wood, Delight	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC	Western District of North Carolina (Charlotte)	3:16-cv-00261	Robert J. Conrad, Jr (District Judge); David Keesler (Magistrate)
33.	Carson, Hattie	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC, separately, and doing business as WINTHROP US	Northern District of Ohio (Cleveland)	1:16-cv-00165	Christopher A. Boyko (District Judge); Nancy Vecchiarelli (Magistrate)
34.	Clinkscales, Jennifer L.	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC	District of South Carolina (Greenville)	6:16-cv-02376	Henry M Herlong, Jr (District Judge)
35.	Meyers, Monica	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC	District of South Carolina (Columbia)	3:16-cv-02536	Henry M Herlong, Jr (District Judge)
36.	Adams, Christa	Sanofi S.A., Aventis Pharma S.A., Sanofi- Aventis U.S. LLC.	Eastern District of Tennessee (Knoxville)	3:16-cv-00365	J Ronnie Greer (District Judge); H Bruce Guyton (Magistrate)

37.	Free, Kimberly	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC	Northern District of Texas (Amarillo)	2:16-cv-00074	Mary Lou Robinson (District Judge)
38.	Gorniak, Alina S.	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC	Western District of Texas (Austin)	1:16-cv-00637	Lee Yeakel (District Judge)
39.	Anderson, Danah	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC	Central District of California (Western Division (Los Angeles))	2:16-cv-06046	John A. Kronstadt (District Judge); Alka Sagar (Magistrate Judge)
40.	Anderson, Kristin	Sanofi S.A., Aventis Pharma S.A., Sanofi- Aventis U.S. LLC., separately and doing business as WINTHROP US.	District of Minnesota	0:16-cv-02621	Michael J. Davis (District Judge); Franklin L. Noel (Magistrate)
41.	Concepcion, Maria	Sanofi S.A., Aventis Pharma S.A., and Sanofi- Aventis U.S. LLC	Central District of California (Western Division (Los Angeles))	2:16-cv-06062	Stephen V. Wilson (District Judge); Gail J. Standish (Magistrate)
42.	Liles, Barbara	Sanofi S.A., Aventis Pharma S.A., Sanofi- Aventis U.S. LLC., separately, and doing business as WINTHROP US.	Middle District of North Carolina	1:16-cv-01021	Catherine C. Eagles (District Judge); Joi Elizabeth Peake (Magistrate)
43.	Medici, Lisa	Sanofi S.A., Aventis Pharma S.A., Sanofi- Aventis U.S. LLC., separately and doing business as WINTHROP US, Hospira Worldwide, Inc. Sun Pharma Global Inc., McKesson Corporation d/b/a/ McKesson Packaging, Sandoz,	Eastern District of New York (Central Islip)	2:16-cv-04221	Joan M. Azrack (District Judge); Steven I. Locke (Magistrate)

		Inc., Accord Healthcare Ltd., Accord Healthcare, Inc., and Intas Pharmaceuticals Limited			
44.	Phillips, Joan	Sanofi S.A., Aventis Pharma S.A., Sanofi-Aventis U.S. LLC., individually and doing business as WINTHROP US, Hospira Worldwide, Inc. Sun Pharma Global Inc., McKesson Corporation d/b/a/ McKesson Packaging, Sandoz, Inc., Accord Healthcare Ltd., Accord Healthcare, Inc., and Intas Pharmaceuticals Limited	Northern District of Illinois (Eastern Division (Chicago))	1:16-cv-07710	John W. Darrah (District Judge); Young B. Kim (Magistrate)
45.	Schmitz, Bertha Renee	Sanofi S.A., Aventis Pharma S.A., and Sanofi-Aventis U.S. LLC	Northern District of California (San Francisco)	3:16-cv-04619	Jacqueline Scott Corley (Magistrate)
46.	Slade, Gail	Sanofi S.A., Aventis Pharma S.A., Sanofi-Aventis U.S. LLC., separately and doing business as WINTHROP US, Hospira Worldwide, Inc. Sun Pharmaceutical Industries, Inc. doing business as Sun Pharma, McKesson Corporation doing d/b/a/ McKesson	Eastern District of North Carolina (Eastern Division)	4:16-cv-00215	James C. Dever, III (District Judge)

		Packaging, Sandoz, Inc., Accord Healthcare Ltd., and Intas Pharmaceuticals Limited			
47.	Spencer, Beverly	Sanofi S.A., Aventis Pharma S.A., Sanofi-Aventis U.S. LLC., separately and doing business as WINTHROP US	Western District of North Carolina (Charlotte)	3:16-cv-00586	Robert J. Conrad, Jr (District Judge); David S. Cayer (Magistrate)
48.	Woodgett, Willie	Sanofi S.A., Aventis Pharma S.A., Sanofi US Services Inc., and Sanofi-Aventis U.S. LLC	Northern District of Alabama (Eastern)	1:16-cv-01310	John E Ott (District Magistrate)

**.BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

**IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION**

MDL DOCKET NO. 2740

PROOF OF SERVICE

In compliance with Rule 4.1(a) of the Rules of Procedure for the United States Judicial Panel on Multidistrict Litigation, I hereby certify that on August 16, 2016 a copy of the foregoing Response to Motion for Transfer of Actions, Schedule of Actions and this Proof of Service were electronically filed with the Clerk of the JPML by using the CM/ECF and was served on all counsel or parties via the Court’s electronic filing system, U.S. Mail, and/or electronic mail:

	CASE	JURISDICTION	CASE NO.	PLAINTIFFS' COUNSEL
1.	Collins, Valesta v. Sanofi, SA, et al	Central District of California	2:16-cv-05418	Karen Barth Menzies kbm@classlawgroup.com Gibbs Law Group LLP 400 Continental Blvd, 6th Floor El Segundo, CA 90245 (510) 350-9240 Eric H. Gibbs ehg@classlawgroup.com Amy M. Zeman amz@classlawgroup.com Gibbs Law Group LLP 505 14th Street, Suite 1110 Oakland, CA 94612 Normal E. Siegel siegel@stuevesiegel.com Todd Hilton hilton@stuevesiegel.com Lisa Joyce joyce@stuevesiegel.com Abby McClelland mcclellan@stuevesiegel.com Stueve Siegel Hanson LLP 460 Nichols Road, Suite 200 Kansas City, MO 64112

2.	Dodson, Ami v. Sanofi, SA, et al	Northern District of California	4:16-cv-01251	<p>Anna Dubrovsky anna@dubrovskylawyers.com Anna Dubrovsky Law Group, Inc. 601 Montgomery Street, Suite 2000 San Francisco, CA 94111 (415) 746-1477</p> <p>Darin Lee Schanker dschanker@coloradolaw.net Jere Kyle Bachus Kyle.bachus@coloradolaw.net Bachus and Schanker LLC 1899 Wynkoop Street, Suite700 Denver, CO 80202 (303) 893-9800</p>
3.	Sandler, Abigail v. Sanofi, SA, et al.	Southern District of California	3:16-cv-01861	<p>Ahmed S. Diab adiab@gomeztrialattorneys.com Gomez Trial Attorneys 655 West Broadway Suite 1700 San Diego, CA 92101 (619) 237-3490</p>
4.	Gahan, Kelly v. Sanofi, SA, et al	District of Colorado	1:15-cv-02777	<p>Jere Kyle Bachus kyle.bachus@coloradolaw.net Darin Lee Schanker dschanker@coloradolaw.net Bachus & Schanker, LLC-Denver 1899 Wynkoop Street, Suite 700 Denver, CO 80202 (303) 893-9800</p>
5.	Leith, Melissa F. v. Sanofi, SA, et al.	District of Colorado	1:16-cv-00741	<p>Jere Kyle Bachus kyle.bachus@coloradolaw.net John Christopher Elliott celliott@coloradolaw.net Darin Lee Schanker dschanker@coloradolaw.net Bachus & Schanker, LLC-Denver 1899 Wynkoop Street, Suite 700 Denver, CO 80202 (303) 893-9800</p>

6.	Brown, Jennifer v. Sanofi SA, et al	Northern District of Illinois	1:16-cv-07496	Peter J. Flowers pjf@meyers-flowers.com Brian J. Perkins bjp@meyers-flowers.com Kimberly Brancato kb@meyers-flowers.com Frank V. Cesarone fvc@meyers-flowers.com Meyers & Flowers, LLC 3 North Second Street , Suite 300 St. Charles, IL 60174 (630) 232-6333
7.	Johnson, Renita v. Sanofi, SA., et al.	Northern District of Illinois	1:16-cv-06754	Michelle L. Kranz michelle@toledolaw.com Zoll & Kranz, LLC 6620 W. Central Ave., Suite 100 Toledo, OH 43617 (419) 841-9623
8.	Pistone, Christine v. Sanofi, SA, et al.	Northern District of Illinois	1:16-cv-04028	Peter J. Flowers pjf@meyers-flowers.com Meyers & Flowers, LLC 3 North Second Street , Suite 300 St. Charles, IL 60174 (630) 232-6333
9.	Spann, Erma v. Sanofi, SA, et al.	Northern District of Illinois	1:16-cv-03038	David M. Hundley dmh@hundleylaw.com Hundley Law Group 1620 W. Chicago Ave., Ste 307 Chicago, IL 60622 (312) 212-3343 Christopher L. Coffin ccoffin@pbclawfirm.com Nicholas Ryan Rockforte nrockforte@pbclawfirm.com Pendley, Baudin & Coffin, LLP 24110 Eden Street, Drawer 71 Plaquemine, LA 70765 (225) 687-6396

10.	Traylor, Linda v. Sanofi, SA, et al.	Northern District of Illinois	1:16-cv-05651	David M. Hundley dmh@hundleylaw.com Pendley, Baudin & Coffin, LLP 1620 W. Chicago Ave., Ste 307 Chicago, IL 60622 (312) 212-3343 Christopher L. Coffin ccoffin@pbclawfirm.com Pendley, Baudin & Coffin, LLP 1515 Poydras Street, Suite 1400 New Orleans, LA 70112 (504) 355-0086
11.	Wysocki, Theresa v. Sanofi SA, et al.	Northern District of Illinois	1:16-cv-07059	Peter J. Flowers pjf@meyers-flowers.com Meyers & Flowers, LLC 3 North Second Street , Suite 300 St. Charles, IL 60174 (630) 232-6333
12.	Chase, Mary Renee v. Sanofi, SA, et al	Southern District of Illinois	3:16-cv-00588	Trent Miracle tmiracle@simmonsfirm.com Simmons Hanly Conroy One Court Street Alton, IL 62002 (618) 259-2222
13.	Dalton, Barabara v. Sanofi, SA, et al	Southern District of Illinois	3:16-cv-00718	Mark R. Niemeyer niemeyer@ngklawfirm.com Michael S. Kruse kruse@ngklawfirm.com Niemeyer, Grebel & Kruse LLC 10 S. Broadway, Suite 1125 St. Louis, MO 63102 (314) 241-1919
14.	Koontz, Debra v. Sanofi, SA, et al	Southern District of Illinois	3:16-cv-00805	Mark R. Niemeyer niemeyer@ngklawfirm.com Michael S. Kruse kruse@ngklawfirm.com Niemeyer, Grebel & Kruse LLC 10 S. Broadway, Suite 1125 St. Louis, MO 63102 (314) 241-1919

15.	Shanks, Kelly v. Sanofi, SA, et al.	Southern District of Illinois	3:16-cv-00828	<p>Mark R. Niemeyer niemeyer@ngklawfirm.com Niemeyer, Grebel & Kruse LLC 10 S. Broadway, Suite 1125 St. Louis, MO 63102 (314) 241-1919</p>
16.	Detrixhe, Karen v. Sanofi, SA, et al	District of Kansas	2:16-cv-02250	<p>David D. Burkhead david@burkheadlaw.com The Law Office of David Burkhead P.O. Box 23243 Overland Park, KS 66283 (913) 953-0464</p> <p>Jere Kyle Bachus Kyle.bachus@coloradolaw.net Bachus and Schanker LLC 1899 Wynkoop Street, Suite700 Denver, CO 80202 (303) 893-9800</p>
17.	Bemiss, Yvonne v. Sanofi SA, et al	Eastern District of Louisiana	2:16-cv-06425	<p>Christopher L. Coffin ccoffin@pbclawfirm.com Jessica A. Perez jperez@pbclawfirm.com Nicholas Ryan Rockforte nrockforte@pbclawfirm.com Pendley, Baudin & Coffin, LLP 1515 Poydras Street, Suite 1400 New Orleans, LA 70112 (504) 355-0086</p> <p>Andrew Allen Lemmon andrew@lemmonlawfirm.com Lemmon Law Firm 15058 River Rd. PO Box 904 Hahnville, LA 70057 (985) 783-6789</p> <p>Jere Kyle Bachus Kyle.bachus@coloradolaw.net Bachus and Schanker LLC 1899 Wynkoop Street, Suite700 Denver, CO 80202 (303) 893-9800</p>

18.	Smith, Veronica A., v. Sanofi, SA, et al.	Eastern District of Louisiana	2:16-cv-12943	<p>Christopher L. Coffin ccoffin@pbclawfirm.com Jessica A. Perez jperez@pbclawfirm.com Nicholas Ryan Rockforte nrockforte@pbclawfirm.com Pendley, Baudin & Coffin, LLP 1515 Poydras Street, Suite 1400 New Orleans, LA 70112 (504) 355-0086</p> <p>Val Patrick Exnicios vpexnicios@exnicioslaw.com Liska, Exnicios & Nungesser 1515 Poydras St. Suite 1400 New Orleans, LA 70112 (504) 410-9611</p>
19.	Smith, Wanda v. Sanofi, SA, et al.	Eastern District of Louisiana	2:16-cv-07794	<p>Christopher L. Coffin ccoffin@pbclawfirm.com Jessica A. Perez jperez@pbclawfirm.com Nicholas Ryan Rockforte nrockforte@pbclawfirm.com Pendley, Baudin & Coffin, LLP 1515 Poydras Street, Suite 1400 New Orleans, LA 70112 (504) 355-0086</p> <p>Andrew Allen Lemmon andrew@lemmonlawfirm.com Lemmon Law Firm 15058 River Rd. PO Box 904 Hahnville, LA 70057</p> <p>Jere Kyle Bachus Kyle.bachus@coloradolaw.net Bachus and Schanker LLC 1899 Wynkoop Street, Suite 700 Denver, CO 80202 (303) 893-9800</p>

20.	Walter, Alma v. Sanofi SA, et al.	Eastern District of Louisiana	2:16-cv-12706	<p>Christopher L. Coffin ccoffin@pbclawfirm.com Jessica A. Perez jperez@pbclawfirm.com Nicholas Ryan Rockforte nrockforte@pbclawfirm.com Pendley, Baudin & Coffin, LLP 1515 Poydras Street, Suite 1400 New Orleans, LA 70112 (504) 355-0086</p> <p>Darin Lee Schanker dschanker@coloradolaw.net Jere Kyle Bachus Kyle.bachus@coloradolaw.net Bachus and Schanker LLC 1899 Wynkoop Street, Suite700 Denver, CO 80202 (303) 893-9800</p>
21.	Webb, Carol v. Sanofi, SA, et al.	Eastern District of Louisiana	2:16-cv-10763	<p>Christopher L. Coffin ccoffin@pbclawfirm.com Jessica A. Perez jperez@pbclawfirm.com Nicholas Ryan Rockforte nrockforte@pbclawfirm.com Pendley, Baudin & Coffin, LLP 1515 Poydras Street, Suite 1400 New Orleans, LA 70112 (504) 355-0086</p>
22.	Burney, Brenda v. Sanofi, SA, et al	Middle District of Louisiana	3:16-cv-00388	<p>Christopher L. Coffin ccoffin@pbclawfirm.com Jessica A. Perez jperez@pbclawfirm.com Nicholas Ryan Rockforte nrockforte@pbclawfirm.com Pendley, Baudin & Coffin, LLP 1515 Poydras Street, Suite 1400 New Orleans, LA 70112 (504) 355-0086</p>

23.	Touchi-Peters, Karen v. Sanofi, SA, et al.	District of Minnesota	0:16-cv-02464	Timothy J. Becker tbecker@johnsonbecker.com Michael K. Johnson mjohnson@johnsonbecker.com Peter C. Snowdon psnowdon@johnsonbecker.com Johnson Becker, PLLC 33 South 6th Street, Suite 4530 Minneapolis, MN 55402 (612) 436-1800
24.	Carpenter, Homer v. Sanofi SA, et al	Southern District of Mississippi	3:16-cv-00289	Michael P. McGartland mike@mcartland.com MCGARTLAND LAW FIRM, PLLC 1300 South University, Suite 500 Fort Worth, TX 76107 (817) 332-9300
25.	Chase, Florine v. Sanofi SA, et al	Southern District of Mississippi	3:16-cv-00404	Michael P. McGartland mike@mcartland.com MCGARTLAND LAW FIRM, PLLC 1300 South University, Suite 500 Fort Worth, TX 76107 (817) 332-9300
26.	Grines, Hattie B. v. Sanofi, SA, et al.	Southern District of Mississippi	3:16-cv-00488	Michael P. McGartland mike@mcartland.com MCGARTLAND LAW FIRM, PLLC 1300 South University, Suite 500 Fort Worth, TX 76107 (817) 332-9300
27.	Jones, Angela v. Sanofi, SA, et al.	Southern District of Mississippi	3:16-cv-00288	Michael P. McGartland mike@mcartland.com MCGARTLAND LAW FIRM, PLLC 1300 South University, Suite 500 Fort Worth, TX 76107 (817) 332-9300
28.	Tolefree, Christine v. Sanofi, SA, et al.	Southern District of Mississippi	3:16-cv-00412	Michael P. McGartland mike@mcartland.com MCGARTLAND LAW FIRM, PLLC 1300 South University, Suite 500 Fort Worth, TX 76107 (817) 332-9300

29.	Addelson, Barbara, et al., v. Sanofi S.A., et al.	Eastern District of Missouri	4:16-cv-01277	<p>Mark R. Niemeyer niemeyer@ngklawfirm.com Michael S. Kruse kruse@ngklawfirm.com Niemeyer, Grebel & Kruse LLC 10 S. Broadway, Suite 1125 St. Louis, MO 63102 (314) 241-1919</p>
30.	Bickley, Jalynne, et al., v. Sanofi S.A., et al.	Eastern District of Missouri	4:16-cv-01307	<p>Eric S. Johnson ejohnson@simmonsfirm.com Simmons and Hanly LLC One Court Street Alton, IL 62002 (618) 259-2222</p> <p>Christopher L. Coffin ccoffin@pbclawfirm.com Jessica A. Perez jperez@pbclawfirm.com Nicholas Ryan Rockforte nrockforte@pbclawfirm.com Pendley, Baudin & Coffin, LLP 1515 Poydras Street, Suite 1400 New Orleans, LA 70112 (504) 355-0086</p> <p>Jere Kyle Bachus Kyle.bachus@coloradolaw.net Darin Lee Schanker dschanker@coloradolaw.net Christopher Elliott celliot@coloradolaw.net 1899 Wynkoop Street, Suite700 Denver, CO 80202 (303) 893-9800 Fax: (303) 893-9900</p>

31.	Mottola, Kathy v. Sanofi, SA, et al.	Western District of North Carolina	3:16-cv-00255	<p>Daniel Kent Bryson dan@wbmlp.com Whitfield, Bryson & Mason, LLP 900 W. Morgan Street Raleigh, NC 27603 (919) 600-5000</p> <p>Darin Lee Schanker dschanker@coloradolaw.net Jere Kyle Bachus Kyle.bachus@coloradolaw.net Bachus and Schanker LLC 1899 Wynkoop Street, Suite700 Denver, CO 80202 (303) 893-9800</p>
32.	Wood, Delight v. Sanofi, SA, et al.	Western District of North Carolina	3:16-cv-00261	<p>Daniel Kent Bryson dan@wbmlp.com Whitfield, Bryson & Mason, LLP 900 W. Morgan Street Raleigh, NC 27603 (919) 600-5000</p> <p>Darin Lee Schanker dschanker@coloradolaw.net Jere Kyle Bachus Kyle.bachus@coloradolaw.net Bachus and Schanker LLC 1899 Wynkoop Street, Suite700 Denver, CO 80202 (303) 893-9800</p>
33.	Carson, Hattie v. Sanofi SA, et al	Northern District of Ohio	1:16-cv-00165	<p>Ned C. Gold , Jr. gold@neo-lawgroup.com Thomas D. Lambros tdlambros@gmail.com Ford, Gold, Kovoov & Simon 8872 East Market Street Warren, OH 44484 (330) 856-6888</p> <p>Jere Kyle Bachus Kyle.bachus@coloradolaw.net Bachus and Schanker LLC 1899 Wynkoop Street, Suite700 Denver, CO 80202 (303) 893-9800 Fax: (303) 893-9900</p>

34.	Clinkscales, Jennifer L. v. Sanofi, SA, et al	District of South Carolina	6:16-cv-02376	<p>Elizabeth Middleton Burke bburke@rpwb.com Christiaan A Marcum cmarcum@rpwb.com H Blair Hahn bhahn@rpwb.com Richardson, Patrick, Westbrook & Brickman, LLC 1037 Chuck Dawley Blvd, Bldg A. PO Box 1007 Mt Pleasant, SC 29465 (843) 727-6500</p> <p>Christopher L. Coffin ccoffin@pbclawfirm.com Pendley Baudin and Coffin 24110 Eden Street Plaquemine, LA 70765 (225) 687-6396</p>
35.	Meyers, Monica v. Sanofi, SA, et al.	District of South Carolina	3:16-cv-02536	<p>Elizabeth Middleton Burke bburke@rpwb.com Christiaan A Marcum cmarcum@rpwb.com H Blair Hahn bhahn@rpwb.com Richardson, Patrick, Westbrook & Brickman, LLC 1037 Chuck Dawley Blvd, Bldg A. PO Box 1007 Mt Pleasant, SC 29465 (843) 727-6500</p> <p>Jere Kyle Bachus Kyle.bachus@coloradolaw.net Bachus and Schanker LLC 1899 Wynkoop Street, Suite700 Denver, CO 80202 (303) 893-9800 Fax: (303) 893-9900</p>

36.	Adams, Christa v. Sanofi SA, et al	Eastern District of Tennessee	3:16-cv-00365	<p>Jere Kyle Bachus Kyle.bachus@coloradolaw.net Bachus and Schanker LLC 1899 Wynkoop Street, Suite700 Denver, CO 80202 (303) 893-9800</p> <p>Jennifer K. O'Connell joconnell@easttennlaw.com Ogle, Elrod, & Baril PLLC 706 Walnut Street, Suite 700 Knoxville, TN 37902 (865) 546-1111</p>
37.	Free, Kimberly v. Sanofi, SA, et al	Northern District of Texas	2:16-cv-00074	<p>Gabriel A. Assaad gassaad@kennedyhodes.com Kennedy Hodges LLP 711 W Alabama St Houston, TX 77006 (713) 523-0001</p> <p>Jere Kyle Bachus Kyle.bachus@coloradolaw.net Bachus and Schanker LLC 1899 Wynkoop Street, Suite700 Denver, CO 80202 (303) 893-9800</p>
38.	Gorniak, Alina S. v. Sanofi, SA, et al.	Western District of Texas	1:16-cv-00637	<p>Grant D. Blaies grantblaies@bhilaw.com Blaies & Hightower, L.L.P. 421 W. 3rd Street, Suite 900 Fort Worth, TX 76102 (817) 334-0800</p> <p>Christopher L. Coffin ccoffin@pbclawfirm.com Pendley, Baudin & Coffin, LLP 1515 Poydras Street, Suite 1400 New Orleans, LA 70112 (504) 355-0086</p> <p>Michael P. McGartland mike@mcartland.com McGartland Law Firm, PLLC 1300 South University, Suite 500 Fort Worth, TX 76107 (817) 332-9300</p>

39.	Anderson, Danah v. Sanofi, SA, et al.	Central District of California (Western Division (Los Angeles))	2:16-cv-06046	Karen Barth Menzies kbm@classlawgroup.com Gibbs Law Group LLP 400 Continental Blvd, 6th Floor El Segundo, CA 90245 (510) 350-9240 Fax (510) 350-9701
40.	Concepcion, Maria v. Sanofi, SA, et al.	Central District of California (Western Division (Los Angeles))	2:16-cv-06062	Karen Barth Menzies kbm@classlawgroup.com Gibbs Law Group LLP 400 Continental Blvd, 6th Floor El Segundo, CA 90245 (510) 350-9240 Fax (510) 350-9701
41.	Schmitz, Bertha Renee v. Sanofi, SA, et al	Northern District of California (San Francisco)	3:16-cv-04619	Karen Barth Menzies kbm@classlawgroup.com Gibbs Law Group LLP 400 Continental Blvd, 6th Floor El Segundo, CA 90245 (510) 350-9240 Fax (510) 350-9701
42.	Anderson, Kristin v. Sanofi SA, et al.	District of Minnesota	0:16-cv-02621	Genevieve M Zimmerman gzimmerman@meshbesh.com Ashleigh Raso araso@meshbesh.com Anthony J Nemo tnemo@meshbesh.com Andrew L Davick adavick@meshbesh.com Meshbesh & Spence, LTD 1616 Park Avenue Minneapolis, MN 55404 (612) 339-9121 Fax: (612) 339-9188
43.	Liles, Barbara v. Sanofi SA, et al	Middle District of North Carolina	1:16-cv-01021	James W. Kilbourne, Jr. jkilbourne@dunganlaw.com Dungan, Kilbourne & Stahl, PA One Rankin Ave, Third Floor Asheville, NC 28801 (828) 254-4778 Fax: (828) 254-6646

44.	Medici, Lisa v. Sanofi SA, et al	Eastern District of New York (Central Islip)	2:16-cv-04221	Andrea Bierstein abierstein@simmonsfirm.com Simmons Hanly Conroy LLC 112 Madison Ave, 7th Floor New York, NY 10016 (212) 784-6400 Fax: (212) 784-6420
45.	Phillips, Joan v. Sanofi SA, et al	Northern District of Illinois (Eastern Division (Chicago))	1:16-cv-07710	David M. Hundley dhundley@pbclawfirm.com Pendley, Baudin & Coffin, L.L. P. 1620 W. Chicago Ave, Suite 307 Chicago, IL 60622 (312) 212-3343 Fax: (312) 724-7766
46.	Slade, Gail v. Sanofi SA, et al	Eastern District of North Carolina (Eastern Division)	4:16-cv-00215	Daniel Kent Bryson dan@wbmlp.com Whitfield, Bryson & Mason, LLP 900 W. Morgan Street Raleigh, NC 27603 (919) 600-5000 Fax: (919) 600-5035
47.	Spencer, Beverly v. Sanofi SA, et al	Western District of North Carolina (Charlotte)	3:16-cv-00586	Daniel Kent Bryson dan@wbmlp.com Whitfield, Bryson & Mason, LLP 900 W. Morgan Street Raleigh, NC 27603 (919) 600-5000 Fax: (919) 600-5035 Jere Kyle Bachus Kyle.bachus@coloradolaw.net Bachus and Schanker LLC 1899 Wynkoop Street, Suite700 Denver, CO 80202 (303) 893-9800 Fax: (303) 893-9900

48.	Woodgett, Willie and Carl Woodgett, Sr. v. Sanofi, SA, et al	Northern District of Alabama (Eastern)	1:16-cv-01310	Carasusana B. Wall cara@toledolaw.com Zoll & Kranz LLC 6620 West Central Ave., Suite 100 Toledo, OH 43617 (419) 841-9623 Fax: (419) 841-9719 Navan Ward, Jr navan.ward@beasleyallen.com Beasley Allen Crow Methvin Portis & Miles PC PO Box 4160 Montgomery, AL 36103 (334) 269-2343 Fax: (334) 954-7555
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Counsel for Defendants Sanofi-Aventis U.S. Services Inc., Sanofi S.A., and Aventis Pharma S.A. has been served via electronic mail:

<p>Jon Strongman jstrongman@shb.com Shook, Hardy & Bacon LLP 2555 Grand Blvd. Kansas City, MO 64108 816-474-6550 Fax: (816) 421-5547</p>
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Those parties without representation have been served by mailing a true and correct copy of the same to the parties listed below by depositing same in the U.S. Mail, with postage fully prepaid, in Kansas City, Missouri on August 16, 2016:

<p>Accord Healthcare, Inc. 1009 Slater Road, Suite 210B Durham, NC 27703</p>	<p>Accord Healthcare Ltd. 1009 Slater Road, Suite 210B Durham, NC 27703</p>
<p>Sun Pharmaceutical Industries, Inc. doing business as Sun Pharma 150 Fayetteville Street, Box 1011 Raleigh, NC 27601</p>	<p>Intas Pharmaceuticals Limited 1009 Slater Road, Suite 210B Durham, NC 27703</p>
<p>McKesson Corporation doing d/b/a/ McKesson Packaging</p>	<p>McKesson Corporation doing d/b/a/ McKesson Packaging</p>

327 Hillsborough Raleigh, NC 27603	One Post Street San Francisco, CA 94104
Sandoz, Inc. 327 Hillsborough Raleigh, NC 27603	Sandoz, Inc. 100 College Road West Princeton, NJ 08540
Hospira Worldwide, Inc. 150 Fayetteville Street, Box 1011 Raleigh, NC 27601	Hospira Worldwide, Inc. 275 N. Field Drive Lake Forest, IL 60045

The following parties are international companies and will not be served.

Accord Healthcare Ltd. Sage House, 319 Pinner Road North Harrow HA1 4HF, United Kingdom	Intas Pharmaceuticals Limited Ahmedabad – 380 009, India
Sun Pharma Global Inc. PO Box 659, Road Town British Virgin Islands	

Dated: August 16, 2016

Respectfully Submitted,

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 LLC*