

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724**

THIS DOCUMENT RELATES TO:

HON. CYNTHIA M. RUFÉ

ALL ACTIONS

**PRETRIAL ORDER NO. 143
(AMENDING PRETRIAL ORDER NOS. 70 AND 106 TO ENCOMPASS DOCUMENTS
PRODUCED TO THE STATE PLAINTIFFS PURSUANT TO THEIR STATUTORY
INVESTIGATORY AUTHORITY ON OR BEFORE JUNE 10, 2020)**

AND NOW, this 14th day of October 2020, upon consideration of the parties' stipulation, and for good cause shown, it is hereby **ORDERED** that the stipulation is **APPROVED** and **ADOPTED** as an Order of the Court.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION	MDL 2724 16-MD-2724
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JOINT STIPULATION AMENDING PTO 70 AND 106

WHEREAS, on November 14, 2018, this Court granted in part Private Plaintiffs’ Motion for an Order Authorizing Access to Certain Materials Obtained by the State Plaintiffs (ECF No. 758);

WHEREAS, on January 30, 2019, Special Master David H. Marion recommended for approval the parties’ Stipulated Protocol Implementing the Court’s November 14, 2018 Order Regarding Private Plaintiffs’ Motion for Access;

WHEREAS, on January 31, 2019, this Court adopted the Special Master’s Recommended Order as Pretrial Order No. 70 (“PTO 70”) (ECF No. 841);

WHEREAS, PTO 70 provides that, subject to a claw back procedure outlined therein, “the State Plaintiffs promptly will provide Private Plaintiffs and Defendants access” to AG Documents (defined in the Court’s November 14, 2018 Order at 3 ¶ 2) “obtained on or before October 31, 2017, in the course of [the State Plaintiffs’] investigation of the generic drug industry.” PTO 70 Ex. A ¶¶ 6 (emphasis added); *see also id.* ¶ 8 (providing for notice to non-parties who produced documents to the State Plaintiffs on or before October 31, 2017);

WHEREAS, on October 24, 2019, the parties entered into an amended joint stipulation agreeing to expand the time period covered by PTO 70 Ex. A ¶¶ 2, 6, 8 from October 31, 2017 to May 10, 2019, in light of the complaint filed by State Plaintiffs on May 10, 2019;

WHEREAS PTO 106 adopted the parties' October 24, 2019 amended joint stipulation and its modifications to PTO 70;

WHEREAS, the State Plaintiffs filed a new complaint on June 10, 2020;

WHEREAS, the June 10, 2020 complaint incorporates materials and documents provided by cooperating parties;

WHEREAS, Defendants expressly preserve all objections to the Court's November 14, 2018 Order, PTO 70, and PTO 106, including but not limited to the authorization of production of documents obtained pursuant to the State Plaintiffs' investigatory subpoenas and the relevant time period for discovery in this MDL;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the parties hereto through their respective attorneys as follows:

1. The time period of the production required to be produced by the State Plaintiffs by PTO 70 Ex. A ¶¶ 2, 6, 8, as amended by PTO 106 Ex. A ¶¶ 2, 6, 8, shall be enlarged to encompass documents produced to the State Plaintiffs pursuant to their statutory investigatory authority on or before June 10, 2020;

2. The scope of production required to be produced by the State Plaintiffs shall include those documents provided to the State Plaintiffs by cooperating parties and/or individuals, and those not subject to the State Plaintiffs' investigatory subpoenas or other compulsory process on or before June 10, 2020;

3. In accordance with Paragraph 4 of PTO 70, the State Plaintiffs shall stamp all documents obtained from parties to the MDL as “Outside Counsel Eyes Only Until 120 days from __/__/2020” (120 days from entry of the amended protocol).

IT IS SO STIPULATED.

Dated: October 13, 2020

Respectfully submitted,

/s/ Roberta D. Liebenberg

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