

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

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL No. 2724
Case No. 2:16-MD-02724

THIS DOCUMENT RELATES TO:

Hon. Cynthia M. Rufe

ALL ACTIONS

**CORRECTED PRETRIAL ORDER NO. 173
(ALLOWING WRITTEN DISCOVERY TO PROCEED;
LIMITED STAY OF DEPOSITIONS)**

AND NOW, this 1st day of June 2021, upon consideration of the Joint Stipulation [MDL Doc. No. 1779], it is hereby **ORDERED** that the stipulation is **APPROVED** as follows:

1. The terms outlined below shall apply until **June 14, 2021**.
2. Initial disclosures remain stayed (as per PTO No. 44).
3. All types of written discovery, including requests for production of documents, interrogatories, and requests for admissions, may be served.
4. Depositions of individuals on a list that the U.S. Department of Justice provided to counsel for the parties and the court on March 30, 2021 are stayed.
5. Other than the limitations imposed in Paragraph 4, or as otherwise ordered by the Court, the parties may notice depositions and shall meet and confer as necessary to schedule depositions.
6. The parties shall simultaneously serve written discovery requests and notices of deposition to the U.S. Department of Justice. If the United States objects to any proposed written discovery request or notice of deposition, the United States will notify the party of the basis for the objection, and if necessary, bring that objection to the Special Master for resolution pursuant

to PTO No. 163 (“Special Masters’ Protocol”). The proposed discovery shall be stayed pending resolution.

7. The parties shall not seek and shall not respond to discovery in this MDL about the criminal investigation that the Antitrust Division of the U.S. Department of Justice is conducting into the generic pharmaceuticals industry, except that in the deposition of Kaitlin Alexander, the witness may be deposed as to the issues of (1) the status of any devices or documents containing information (including documents or data) responsive to a subpoena or document request issued in this MDL, and if the witness no longer has access to those devices or documents, the current location of those devices or documents, if known; and (2) whether the witness has been granted any immunity from criminal prosecution and the material terms of any such grant of immunity, including but not limited to obligations to cooperate with the Department of Justice’s criminal investigation and related criminal proceedings.

8. A person responding to a discovery request in this MDL (e.g., subpoena, request for production of documents, notice of deposition) (“Responding Person”) shall not disclose in such response what documents or other information have been provided to the Department of Justice in the course of its criminal investigation into the generic pharmaceuticals industry, provided that nothing in this paragraph requires any modification of any document control number or other endorsement on a document, nor prohibits or excuses a Responding Person from providing documents or other information that previously had been provided to the Department of Justice.

9. Nothing in this Order precludes a party or subpoenaed party from objecting to, moving to quash, or seeking a protective order excusing a response to any discovery request,

including filing a motion to extend the stay of any depositions beyond June 14, 2021, provided the objection is made in good faith.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.