

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

<hr/>	:	<b>MDL 2724</b>
<b>IN RE: GENERIC PHARMACEUTICALS</b>	:	
<b>PRICING ANTITRUST LITIGATION</b>	:	<b>16-MD-2724</b>
<hr/>	:	
	:	<b>HON. CYNTHIA M. RUFÉ</b>
<b>THIS DOCUMENT RELATES TO:</b>	:	
	:	
<i>ALL ACTIONS</i>	:	
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**PRETRIAL ORDER NO. 37  
(DUTIES AND AUTHORITY OF LEAD COUNSEL)  
(SUPERSEDING PRETRIAL ORDER NO. 10)**

Early in the MDL, the Court issued Pretrial Order No. 6, which established one Plaintiffs’ Steering Committee (“PSC”) representing all Plaintiffs. At that time, the scope of the MDL was limited to two pharmaceuticals. The MDL has since expanded (currently to 18 different pharmaceuticals), and the Court determined that the interests of the Direct-Purchaser Plaintiffs (“DPPs”), End-Payer Plaintiffs (“EPPs”), and Indirect-Reseller Plaintiffs (“IRPs”) were better served through separate PSCs working cooperatively within the MDL. Accordingly, the Court entered Pretrial Order No. 21, naming the membership of these PSCs. The structure of the Plaintiffs’ representation having changed, the Court now sets forth a comprehensive enumeration of the duties of Lead Counsel, in accordance with the issues raised at the status conference on September 12, 2017. The appointment of and duties ascribed to Liaison Counsel in Pretrial Order Nos. 1 and 2 remain in effect.

**AND NOW** this 28th day of September 2017, to promote the efficient management of the MDL, and pursuant to the guidance of the Manual for Complex Litigation (Fourth) § 40.22, it

is hereby **ORDERED** that Pretrial Order No. 10 is vacated and the duties of Lead Counsel for the DPPs, EPPs, and IRPs are as set forth herein.<sup>1</sup>

Lead Counsel shall be responsible for coordinating the activities of all Private Plaintiffs during pretrial proceedings, and avoiding duplicate effort, briefing, and argument wherever possible, and after consulting with the PSCs, shall have final decision-making authority on behalf of each Private Plaintiff group (DPP, EPP, and IRP) to:

1. Determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) the common position of the Private Plaintiffs on all matters arising during pretrial proceedings to the Court, the State Plaintiffs, the United States of America as Intervenor, and Defendants;
2. Negotiate and coordinate with the United States Department of Justice, the State Plaintiffs, or any other governmental authority, to the extent necessary;
3. Negotiate and coordinate with any other plaintiffs or groups that may be transferred into or made a part of this MDL;
4. Explore, develop, and pursue settlement options on behalf of the Private Plaintiff group, and when they have received express authorization to do so, enter into binding agreements;
5. Enter into stipulations with all interested parties and file motions on behalf of all Private Plaintiffs on common issues as necessary for the conduct of the litigation;
6. Develop and propose to the Court appropriate schedules for the commencement, execution, and completion of all discovery on behalf of all Private Plaintiffs;

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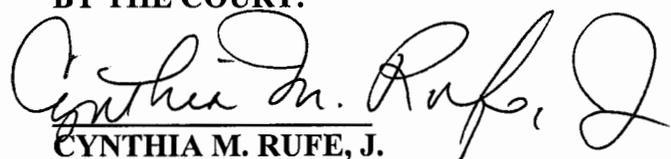
<sup>1</sup> The DPPs, EPPs, and IRPs are referred to collectively herein as the “Private Plaintiffs.” In Pretrial Order No. 36, the Court designated and set forth the duties of Liaison Counsel for the State Attorneys General (“State Plaintiffs”) cases, which were recently added to the MDL, and which are not structured as proposed class actions.

7. Negotiate with State Plaintiffs, Defendants, Intervenor, and third parties concerning areas of discovery common to all Private Plaintiffs, including the development of ESI and Document Preservation protocols;
8. Cause to be issued in the name of all Private Plaintiffs the necessary discovery requests, motions, and subpoenas pertaining to any witnesses and documents;
9. Conduct discovery in a coordinated and consolidated manner on behalf of and for the benefit of all Private Plaintiffs, in a fashion in keeping with practice guidelines to be established in later discovery plans or orders of the Court;
10. Delegate specific tasks to other counsel or committees of counsel in a manner to ensure that Private Plaintiffs' pretrial preparation is conducted efficiently and effectively;
11. Prepare and distribute periodic status reports to the Court;
12. Maintain adequate time and disbursement records covering services as Lead Counsel;
13. Monitor the activities of Private Plaintiffs' counsel to ensure that schedules are met and unnecessary or duplicate expenditures of time and funds are avoided; and
14. Perform such other duties as may be incidental to proper coordination of Private Plaintiffs' pretrial activities or authorized by further order of the Court.

Opposing counsel may rely on the conduct and representations by Lead Counsel made in their discharge of these responsibilities.

It is so **ORDERED**.

**BY THE COURT:**

  
CYNTHIA M. RUFÉ, J.