UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

IN RE: TYLENOL (ACETAMINOPHEN) MARKETING,	§ MDL NO. 2436 §
SALES PRACTICES AND PRODUCTS LIABILITY	§ 2:13-md-02436
LITIGATION	§ § HON. LAWRENCE F. STENGEL
This Document Relates to:	
	Civil Action No. 2:12-cv-07263
Rana Terry, as Personal Representative	§ §
and Administrator of the Estate of Denice	§
Hayes, Deceased,	§ 8
Plaintiff,	s S s
VS.	§ §
	§
McNEIL-PPC, Inc., McNeil Consumer	§
Healthcare, and Johnson & Johnson, Inc.,	\$ §
Defendants.	§

<u>ORDER</u>

AND NOW, this 4th day of April, 2016, upon consideration of the plaintiff's request for oral argument on the defendant's motion to exclude causation opinion testimony of plaintiffs' experts based on defense experts' supplemental report analysis of "low dose" acetaminophen-induced acute liver failure cases used in "Acetaminophen-Induced Acute Liver Failure: Results of a United States Multicenter, Prospective Study" (Larson, et al., Hepatology, Vol. 42, No. 6, 2005) which was published by members of the Acute Liver Failure Study Group (ALFSG)(Doc. No. 193), plaintiff's response thereto (Doc. No. 198), and the plaintiff's motion to strike defendants' supplemental reports (Doc. No. 199), it is hereby **ORDERED** that the motion is **GRANTED**.¹

Oral argument on both the defendants' motion to exclude causation opinion based on defense experts' supplemental report analysis of certain ALFSG data and the plaintiff's motion to strike defendants' supplemental reports will be heard at the monthly status conference scheduled for **Wednesday**, April 27, 2016 at 10 a.m. in Courtroom 14B.²

BY THE COURT:

/s/Lawrence F. Stengel LAWRENCE F. STENGEL, J.

¹ I previously granted the defendants leave to submit supplemental expert reports on the low dose cases from the AFLSG Larson article. <u>See</u> Doc. No. 191. In arguing for leave, the defendants made clear that submission of those supplemental expert reports and resolution of any related motions would not delay a trial of this case. In granting the defendants leave, I indicated that additional expert deposition testimony or discovery was not necessary to determine if the data in question was reliable. Expert depositions, however, were permitted in parallel New Jersey litigation. For this reason, I allowed the parties to cross-notice those depositions in this case. Nonetheless, I do not believe submission of additional expert deposition testimony or discovery is necessary for me to make a decision on motions related to the "low dose" Larson article data.

At the March monthly conference, the plaintiff asked that oral argument on motions related to these supplemental reports be heard at the April monthly status conference. The defendants opposed this request and, instead, asked that the argument be scheduled for the July conference to allow for additional expert discovery. Scheduling argument in July would create delays in the trial schedule that has already been set. <u>See</u> Case Management Order (CMO) 18(i), Doc. No. 194. For the reasons noted above, hearing argument in April, as opposed to July, is most appropriate.

² Oral argument on the parties' motions related to "highly confidential" information will also be heard at the April conference. <u>See</u> CMO 18(i), Doc. No. 194.