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

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| **IN RE: TYLENOL (ACETAMINOPHEN) MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION** | § | **MDL NO. 2436** |
| | § | **2:13-md-02436** |
| | § | **HON. LAWRENCE F. STENGEL** |
| ***THIS DOCUMENT RELATES TO ALL CASES*** | § | |

**CASE MANAGEMENT ORDER NO. 16**
**(Discovery Related to Prescription Products and Non-Parties)**

Following a status conference with counsel for all parties on December 17, 2013, upon consideration of defendants McNeil and Johnson & Johnson's motion for protective order related to recall information, governmental investigations, and discovery on prescription products and non-parties, plaintiffs' response thereto, and for good cause shown, the court issues the following Case Management Order related to Discovery on Prescription Products and Non-Parties :[1]

1. By January 1, 2014, defendants McNeil and Johnson & Johnson (J & J) shall produce all documents that are in the possession, custody, or control of defendants McNeil or J & J—including documents within their subsidiaries/affiliates—that relate to or concern: 1) acetaminophen or acetaminophen combination drugs (i.e.

[1] On December 17, 2013, the court held a status and discovery conference with counsel for the parties. The court considered defendants Johnson & Johnson and McNeil's motion for protective order related to recall information, governmental investigations, and discovery on prescription products and non-parties. Prior to the conference, the parties had resolved the portion related to recall information and governmental investigations, leaving the portion of the motion relating to discovery of prescription products and nonparties at issue. See Doc. No. 85 (denying as moot Sec. III of McNeil/Johnson & Johnson's motion for protective order related to recall information, governmental investigations, and discovery on prescription products and non-parties).

prescription drugs that contain acetaminophen as one of the ingredients), and 2) liver damage, preventing liver damage, or studying liver damage associated with acetaminophen.

2. The types of documents within the foregoing scope of production include, but are not limited to: documents relating to adverse event reports, labeling, warnings, changes to warnings, changes to labeling, clinical trials, preclinical studies, emails, and communications to and from regulatory authorities, such as the FDA.
3. The court recognizes that acetaminophen combination drugs contain ingredients that are not acetaminophen and documents may exist relating to those drugs and addressing a variety of matters that do not concern liver damage or injury associated with acetaminophen. The intent of the court is that documents that do not relate to both the acetaminophen component of the acetaminophen combination drugs and to liver damage or injury associated with acetaminophen do not need to be produced.

**SO ORDERED** this 7th day of January, 2014.

BY THE COURT:

LAWRENCE F. STENGEL, J.