

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



IN RE: BABY FOOD PRODUCTS
LIABILITY LITIGATION

Case No. [24-md-03101-JSC](#)

This Document Relates To:

ALL ACTIONS

**PRETRIAL ORDER NO. 3: ORDER
FOLLOWING MAY 16, 2024 CASE
MANAGEMENT CONFERENCE**

As discussed at the May 16, 2024 initial case management conference, the Court orders as follows:

1. Proposed Protective Order

On or before June 13, 2024, the parties shall stipulate to a proposed protective order. If the proposed order differs from the Northern District of California model protective order(s), the parties shall file a red-lined version identifying the changes from the model protective order. If the parties are unable to agree on all terms, then by the same date they shall submit their competing versions (along with red-lined versions) and a brief, not to exceed five pages, explaining why the Court should adopt their proposal.

2. Proposed Direct Filing Order

On or before June 13, 2024, the parties shall file a stipulated proposed direct filing order. If there is any dispute, it shall be submitted to the Court in accordance with paragraph no. 1 above.

3. Attorney Admission

Pro hac vice applications shall be filed only in the main MDL Docket and not in the individual case docket. Once a counsel is admitted *pro hac vice* for any case in this litigation, that admission will suffice for any future cases filed in this MDL.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. Response to Complaints

Defendants need not move, plead, or otherwise respond to any Complaint directly filed in this District as a member case of the MDL until so ordered by the Court.

5. Common Benefit Order

On or before June 13, 2024, Lead Counsel shall submit a proposed Common Benefit Order—Plaintiffs’ Counsel Timekeeping and Expenses Protocol.

6. ESI/Privilege Orders

On or before June 13, 2024, Lead Counsel shall submit proposed ESI/Privilege Orders. If the parties are unable to agree to all terms, they shall follow the procedure set forth in paragraph 1.

7. June 20, 2024 Further Case Management Conference

The Court will hold a further case management conference on **June 20, 2024 at 11:00 a.m.** in Courtroom 8, 19th Floor, 450 Golden Gate Avenue. The proceeding will be available to observe via Zoom. An updated joint case management conference statement shall be filed by noon on **June 18, 2024**. The Statement must address at least the following:

- a. The proposed scope of the general causation expert proceeding.
- b. The status of the consolidated California proceeding and proposals regarding discovery and general causation coordination.
- c. The status of the production of Defendants’ discovery produced in other actions.
- d. Plaintiffs’ initial proposal as to additional discovery needed for the general causation proceeding.
- e. The proposed filing of a master complaint and scheduling of motions to dismiss on jurisdictional and 12(b)(6) grounds.
- f. Any other issue the parties would like to address at the conference.

8. Future Case Management Conferences

For planning purposes, the Court tentatively schedules further case management conferences for July 25, August 22, and September 26, 2024 at 11:00 a.m. in Courtroom 8. If the parties would like the Court’s assistance in the interim, they may contact Ada Means, the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Courtroom Deputy Clerk, to schedule an informal video conference.

IT IS SO ORDERED.

Dated: May 16, 2024


JACQUELINE SCOTT CORLEY
United States District Judge

United States District Court
Northern District of California