

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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U.S. DISTRICT COURT
CHARLESTON, SOUTH CAROLINA
2014 OCT -9 P 5:02

IN RE: LIPITOR (ATORVASTATIN)	
CALCIUM) MARKETING, SALES)	MDL No. 2:14-mn-02502-RMG
PRACTICES AND PRODUCTS)	CASE MANAGEMENT ORDER NO. 20
LIABILITY LITIGATION)	
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Plaintiffs' Motion to Stay Discovery (Dkt. No. 525)

1. Plaintiffs have moved to stay discovery in three cases where motions to remand are pending. (Dkt. No. 525). Pfizer does not oppose a stay as to general discovery, including the completion of Plaintiff Fact Sheets, but asks that the Plaintiffs not be exempt from participation in the depositions of common witnesses and that it be allowed to request jurisdictional discovery should the Court's ruling on Plaintiffs' motions to remand render it necessary. (Dkt. No. 536).

2. For good cause shown, the Court **GRANTS IN PART** Plaintiffs' motion. Except for the depositions of common witnesses, general discovery, including the completion of Plaintiff Fact Sheets, is **STAYED** in the following three cases until resolution of the motions to remand:

- Collins et al. v. Pfizer, et al.*, 2:14-cv-3173

- Watson et al. v. Pfizer, et al.*, 2:14-cv-3367

- Elliott, et al. v. Pfizer, et al.*, 2:14-cv-3592

3. The Parties in these cases are NOT exempt from participation in the depositions of common witnesses in the MDL.

Plaintiff's Motion for Voluntary Dismissal (Dkt. No. 480)

4. Plaintiff Ada Collins has moved to dismiss her action with prejudice. (Dkt. No. 480). Pfizer opposes the motion because a Motion for Judgment on the Pleadings is pending in the *Collins* case, and Pfizer wishes to have a ruling on the merits of that motion. (Dkt. No. 504). Pfizer filed the Rule 12(c) motion as an exemplar motion for Michigan cases, based on Michigan state law. (Dkt. No. 377). Despite obtaining a two-week extension, Plaintiff never filed a response. On September 10, Pfizer filed a reply noting Plaintiff had not responded. (Dkt. No. 474). The next day, Plaintiff asked for a stipulation of dismissal without prejudice and then a stipulation of dismissal with prejudice. When Pfizer would not agree, Plaintiff's motion for dismissal under Rule 41(a) followed.
5. The Court **GRANTS** Collins' motion to dismiss her action with prejudice (Dkt. No. 480) and **DENIES AS MOOT** Pfizer's Rule 12(c) motion (Dkt. No. 377). However, the Plaintiffs Steering Committee and all plaintiffs are on notice that in the future the Court will be less inclined to grant a Rule 41(a) motion after a Rule 12(c) motion has been filed that will serve as an exemplar motion for a group of cases.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

October 9, 2014
Charleston, South Carolina