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

IN RE: LIPITOR (ATORVASTATIN CALCIUM) MARKETING, SALES	) MDL No. 2:14-mn-02502-RMG
PRACTICES AND PRODUCTS LIABILITY LITIGATION	) CASE MANAGEMENT ORDER NO. 66
	This Order relates to all cases.
	)
	)

Plaintiffs' counsel has advised the Court, (Dkt. No. 1332), that it is his clients' position that there are no Plaintiffs currently in the MDL who took 80 mg of Lipitor prior to diagnosis with diabetes, who fit the criteria for subjects in the SPARCL study, and who have the four risk factors set forth in the Waters Study that result in a hazard ratio of greater than 2.0, (*see* Dkt. No. 972-29 at 10). Plaintiffs' counsel further advised the Court in a telephone conference of 1/22/16 that Plaintiffs have no pending case in the MDL that can survive summary judgment on specific causation under the standards set forth in the Court's order disallowing the testimony of Dr. Murphy under Rule 702 and *Daubert*. (CMO 55, Dkt. No. 1283).

In light of the statements made by Plaintiffs' counsel in this matter, the Court hereby vacates Case Management Order No. 61 (Dkt. No. 1323), which set forth a schedule for a bellwether trial of an 80 mg case, and Case Management Order 62 (Dkt. No. 1324), which sets monthly status conferences. The Court will proceed to address the outstanding motions in this case, including dispositive motions for summary judgment, and will not set any other case for a bellwether trial unless circumstances change.

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AND IT IS SO ORDERED.

Richard Mark Gergel

United States District Court Judge

January <u>∑</u>, 2016 Charleston, South Carolina