

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

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<b>IN RE: LIPITOR (ATORVASTATIN CALCIUM) MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION</b>	) ) ) ) ) ) ) ) ) )	<b>MDL No. 2:14-mn-02502-RMG  CASE MANAGEMENT ORDER NO. 6B  This Order relates to All Actions.</b>
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**AMENDMENT TO CASE MANAGEMENT ORDER NO. 6 AS TO DISCOVERY POOL**

1. The parties have conferred about the procedures and schedules related to the identification of cases triable by this Court, as set forth in paragraph 4 of Case Management Order No. 6 [Dkt. No. 148] (“CMO 6”). The parties have jointly proposed and the Court hereby adopts the following amendments.

2. Paragraph 4.b.iii of CMO 6 is amended to add the following: Pfizer agrees not to seek transfer of any case directly filed in this District for purposes of inclusion or exclusion of such cases in the Discovery Pool except that if on or before June 13, 2014, the PSC identifies a total of more than 40 Plaintiffs who either (1) have not agreed to waive *Lexecon* if the case is selected as part of the Discovery Pool or (2) in direct filed cases, wish to seek transfer of their cases for trial. In that event, Pfizer retains its right to file a motion to transfer any case directly filed in this District pursuant to 28 U.S. C. §§ 1404 or 1406.<sup>1</sup> Pfizer shall file any such motion by June 17, 2014, and Plaintiffs shall file any response by June 20, 2014. Pfizer may file one

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<sup>1</sup> As set forth in CMO 6 at note 1, nothing in CMO 6 or this Order shall otherwise affect a party’s ability to later move for transfer in a case not selected as part of the Discovery Pool.

motion identifying each case in which it is filing the transfer motion provided that the filing and service complies with the provisions of Case Management Order No. 1.

3. Paragraph 4.b.iv of CMO 6 is amended to provide that the cases triable by this Court shall include any of the cases directly filed in this District where a motion to transfer a case for trial pursuant to 28 U.S.C. §§ 1404 or 1406 is not made by Plaintiffs on or before May 30, 2014, or by Pfizer on or before June 17, 2014.

4. Paragraph 4.c. of CMO 6 is amended to provide that for any directly filed case pending before this Court as of the date of CMO 6, if a Plaintiff wishes to seek transfer of the case for trial in the instance that the case is chosen for the Discovery Pool, Plaintiff must file a motion to transfer on or before May 30, 2014. Responses to such motions are due on June 6, 2014.

5. The remaining provisions of paragraph 4 of CMO 6 shall remain in full force.

**AND IT IS SO ORDERED.**



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Richard Mark Gergel  
United States District Court Judge

May 29, 2014  
Charleston, South Carolina