

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. 65
)	
)	This Order relates to all cases.
)	
)	
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)	

**NOTICE: THIS ORDER CONTAINS AN IMPORTANT DEADLINE FOR ALL
PLAINTIFFS.**

Lead Plaintiffs’ counsel advised the Court in an on the record telephone conference of January 22, 2016, that, if the Court’s ruling excluding the expert testimony of Dr. Elizabeth Murphy (CMO 55, Dkt. No. 1283) is correctly decided, then none of the cases now pending in the MDL will be able to survive summary judgment on the issue of specific causation. Notice is hereby given that any Plaintiff who disputes the position taken by Plaintiffs’ Lead Counsel and asserts that her case can survive summary judgment on specific causation even if the Court’s ruling in CMO 55 is upheld on appeal, such Plaintiff shall provide notice to the Court within 15 days of this order and set forth with specificity how her case is distinguished from the Court’s ruling in CMO 55. The Court will then promptly set a schedule in each such case for identifying expert witnesses, submitting expert reports, deposing identified experts, and briefing *Daubert* and dispositive motions.¹

¹ Any such notice should be filed in the MDL management case, Case No. 2:14-mn-2502, and spread to the appropriate member case.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

January 25, 2016
Charleston, South Carolina