

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE: PROPECIA (FINASTERIDE)
PRODUCTS LIABILITY LITIGATION

This Document Relates to:
ALL CASES

Master File No.: 1:12-md-02331

MDL No. 2331 (BMC)(PK)

PROCEDURE AND PRACTICE ORDER 16

In connection with this Court's entry PPO No. 13 regarding bellwether trial selections and PPO No. 10 (Second Amended) concerning general causation and case specific causation expert reports, the PEC offered this Unopposed Motion for Entry of PPO No. 16, and the Court hereby Orders as follows:

1. On or before June 23, 2017 the Plaintiffs' Executive Committee ("PEC") shall discuss with all Plaintiffs' Counsel who are Counsel of Record in this litigation the Plaintiffs' Experts' opinions regarding general causation, including the evidence the experts required in a case specific context in order to establish facts consistent with the proffered opinions in this case. All Counsel of Record are required to attend the telephonic conference which shall be scheduled by the PEC.
2. Counsel for each Plaintiff is directed to review the Experts' stated opinions regarding the mechanism of injury and differential diagnosis on a case-by-case basis. Based on that review, Counsel of Record for the individual Plaintiffs shall

make recommendations to their respective Plaintiffs regarding whether their Plaintiffs' respective cases fit within the Experts' stated theory. The Court will entertain Rule 41(a) Motions to Dismiss and/or Motions to Withdraw as Counsel up and through August 7, 2017. In the event Counsel for any individual Plaintiff files a Motion to Withdraw as Counsel, a copy of this PPO shall be sent to the Plaintiff for his review.

3. In those cases where Plaintiff's Counsel seeks to withdraw as Counsel, the Court will afford the named Plaintiff up and until October 7, 2017 to: a) obtain new counsel; or b) note their intention to appear *pro se*. Where a Plaintiff is subject to the provisions of this paragraph and fails to either obtain new counsel or enter an appearance to prosecute the case *pro se* by October 7, 2017, the case shall be subject to dismissal for failure to prosecute with prejudice. Defendant shall supply the Court and the PEC with the names and case docket numbers of all cases that fall within this provision no later than October 22, 2017. The PEC may object to inclusion of any of the persons identified on the list no later than November 6, 2017. The Court will endeavor to enter final judgment on said cases by November 22, 2017.

Dated: May 9, 2017

The Honorable Brian M. Cogan