

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: FLUOROQUINOLONE
PRODUCTS LIABILITY
LITIGATION

MDL No. 15-2642 (JRT)

This Document Relates to All Actions

**PRETRIAL ORDER NO. 2 ON
SERVICE OF PROCESS**

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The Court hereby issues the following Pretrial Order to govern service of process.

I. SCOPE OF ORDER.

This Order relates solely to Defendants Janssen Pharmaceuticals, Inc. (“Janssen”), and Bayer Corporation, Bayer Healthcare Pharmaceuticals, Inc., and Merck & Co., Inc. (collectively “Bayer”). This Order specifically does not apply to any corporate affiliate or partner of Janssen or Bayer, other than those entities listed above. Responsive pleadings shall be due in accordance with the orders of this Court. Nothing herein is intended to modify the requirements of the Federal Rules of Civil Procedure related to service of process with regard to any other Defendant(s). This Order applies to all cases now pending in this Court and a part of MDL 2642, as well as all cases that are later transferred to, removed to, or filed directly in this MDL pursuant to any order of this Court.

II. REQUEST FOR WAIVER OF SERVICE AS TO JANSSEN AND BAYER

Without waiver of any defenses, Defendants Janssen and Bayer agree that Plaintiffs may request waiver of service of process pursuant to the provisions of Fed. R.Civ.P. 4(d) by emailing a

copy of the summons and complaint and waiver form, along with a request for a read receipt for the email to each Defendant in that Complaint as follows:

Janssen	James Murdica Barnes & Thornburg LLP	Janssen-FLQMDL-Service Waiver@btlaw.com
Bayer Corporation and Bayer HealthCare Pharmaceuticals Inc.	Andrew K. Solow Kaye Scholer LLP	Bayer-FLQMDL-Service Waiver@kayescholer.com
Merck & Co., Inc.	Andrew K. Solow Kaye Scholer LLP	Merck-FLQMDL-Service Waiver@kayescholer.com

The request shall be deemed effective on the day that the summons, complaint, and notice required under 4(d) are sent by email to the applicable Defendant as set forth above; provided, however, that the deadline for any response shall be extended if any email is not received on the same day that it is sent for reasons outside of the recipient’s control (e.g., because the email is returned as undeliverable, is diverted to a spam folder by the recipient’s email program, or is inadvertently deleted prior to being opened).

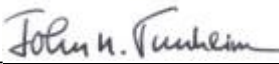
General mailing to Janssen and/or Bayer, emailing to counsel for those Defendants (except as provided above), or use of other methods of transmission (e.g., Federal Express or DHL) to those Defendants or their counsel will not be sufficient to effect the request. However, this Order does not prevent any Plaintiff from effecting service of process pursuant to any method authorized under the Federal Rules of Civil Procedure. Plaintiff’s counsel shall be responsible for filing a return of service with the Court.

III. COMPLAINTS NOT SUBJECT TO THIS ORDER

If any Defendant that receives a request for waiver of service or that is served pursuant to this Order determines that Plaintiff: (i) is not a resident of the United States; (ii) was not a resident of the United States at the time of fluoroquinolone prescription or use; (iii) has previously filed

another suit against any of the Defendants in a case currently or previously pending in MDL 2642; (iv) has not named the correct Defendant entity or entities; and/or (v) the Complaint is not pending in this Court or not otherwise a part of MDL 2642, such Defendant is not required to comply with the terms of this Order and shall instead notify Plaintiff's counsel fifteen days after the Waiver of Service is received the grounds on which Defendant declines to execute the Waiver of Service (either i, ii, iii, iv or v above). Nothing herein shall be deemed to be consent by any Defendant to use of these procedures in any other action.

DATED: February 12, 2016
at Minneapolis, Minnesota.



JOHN R. TUNHEIM
Chief Judge
United States District Court