

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:21-md-3015-SINGHAL/Valle

IN RE:

MDL CASE NO.: 3015

JOHNSON & JOHNSON AEROSOL SUNSCREEN
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Order No. 8

_____/

THIS DOCUMENT RELATES TO: ALL CASES

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PRETRIAL ORDER NO. 1

**ORDER INCLUDING ADDITIONAL AGENDA ITEMS TO THE INITIAL
CONFERENCE, ZOOM INSTRUCTIONS, AND BRIEFING SCHEDULE**

THIS CAUSE is before the Court upon *sua sponte* review of the record. On October 25, 2021, this Court entered its Order Setting Initial Conference Order No. 1 (DE [16]). Matters relating to pretrial and discovery proceedings in these cases will be addressed at the Initial Conference to be held on **January 6, 2022, at 2:00 p.m.** via ZOOM Video Conference. Counsel to all parties were directed to confer and seek consensus with respect to items on the agenda for the initial conference by November 29, 2021. On October 29, 2021, the parties filed a Joint Notice of Settlement (DE [25]) notifying this Court they had “reached an agreement in principle to settle the litigated claims on a class-wide basis, including all claims asserted in these consolidated proceedings, subject to the Court’s approval.”

The Court has reviewed the Notice of Filing Suggested Case Management Orders and/or Additional Agenda Items (DE [45]), filed on November 29, 2021. Plaintiff Lavelle seeks to add to the agenda, the proposed settlement, informal discovery provided by

Defendants to counsel attempting to settle the proposed Class's claims including written materials, summaries and documents, settlement agreement, proposed Class notice plan; proposed claims procedure; and the process and procedure for the appointment of interim lead counsel as well as review of the proposed settlement by all parties in this MDL proceeding. The Joint Notice of Filing Suggested Case Management Order and Additional Agenda Items (DE [46]), also filed on November 29, 2021, requests this Court defer for approximately three to six weeks, the Initial Conference scheduled for January 6, 2021, pending the briefing of its forthcoming Motion for Preliminary Approval of Class Settlement. This Court also reviewed the Notice of Joinder to Request to Add Additional Items to the Agenda for the Initial Conference (DE [47]), the Notice of Joinder to Request to Add Additional Items to the Agenda for the Initial Conference (DE [50]), both filed on December 1, 2021, and the Notice of Joinder to Request to Add Additional Items to the Agenda for the Initial Conference (DE [51]), filed December 7, 2021. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. **APPLICABILITY OF ORDER**—Prior to the Initial Conference and entry of a comprehensive order governing all further proceedings in this case, the provisions of this Order shall govern the practice and procedure in those actions transferred to this Court by the MDL Panel pursuant to its Transfer Order (DE [1]) of October 8, 2021, as listed in “Schedule A.” This Order also applies to all related actions filed in all sections of the Southern District of Florida and will also apply to any “tag-along actions” later filed in, removed to, or transferred to the Court by the MDL Panel. Furthermore, this Order does not supersede or otherwise amend this

Court's Order Setting Initial Conference Order No. 1 (DE [16]) except as to include additional agenda items, provide instructions for attendance to the Initial Conference, and set forth a briefing schedule for the forthcoming Motion for Preliminary Approval of Class Settlement.

2. **INITIAL CONFERENCE**—Matters relating to pretrial and discovery proceedings in these cases will be addressed at an Initial Conference to be held on **January 6, 2022, at 2:00 p.m.** via ZOOM Video Conference.
 - a. **Appearance**—Each party represented by counsel shall appear at the Initial Conference through its attorney who will have primary responsibility for the party's interest in this litigation. Parties not represented by counsel may appear in person or through an authorized and responsible agent.
 - b. **Attendance**—To minimize costs and facilitate a manageable conference, parties are not required to attend the conference, and parties with similar interests are expected to agree to the extent practicable on a single attorney to act on their joint behalf at the conference. A party will not, by designating an attorney to represent its interests at the conference, be precluded from other representation during the litigation; and attendance at the conference will not waive objections to jurisdiction, venue, or service.
 - c. **Other Participants**—Persons who are not named as parties in this litigation but may later be joined as parties or are parties in related litigation pending in other federal and state courts are invited to attend in person or by counsel.

- d. **Instructions**—The Initial Conference will be conducted via ZOOM Video Conference. Parties may attend virtually by clicking the link below to join the webinar:

<https://www.zoomgov.com/j/1619000846?pwd=L045VVhKaUFLK2c3ZFM4OE1hWTBLdz09>

- i. Participants shall include their full name and appearance as the “Screen Name” on ZOOM Video Conference.
- ii. Participants should dress in appropriate court attire and appear in front of an appropriate professional background.
- iii. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting court proceedings. See S.D. Fla. L.R. 77.1.
- iv. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court.
- v. Members of the public or press shall remain on mute with their cameras off at all times throughout the hearing. Any interference with Court proceedings will result in immediate removal.

3. **ADDITIONAL AGENDA ITEMS FOR INITIAL CONFERENCE**—The Initial Conference will be held for the purposes specified in the Federal Rules of Civil Procedure (“Rule”) 16(a), 16(b), 16(c), and 26(f) and subject to the sanctions prescribed in Rule 16(f). The items listed in the *Manual for Complex Litigation*,

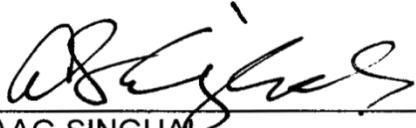
Fourth, Sections 22.6, 22.61, 22.62, and 22.63 shall, to the extent applicable, constitute a tentative agenda for the Initial Conference.

- a. **Settlement**—explore the settlement posture of the parties and the techniques, methods, and mechanisms that may help resolve the litigation short of trial including proposed notice plan; proposed claims procedure and process; and the proposed settlement.
- b. **Discovery**—may be targeted for the purpose of settlement, but settlement discussions should not delay or sidetrack the pretrial process.
- c. **Hearing**—schedule a hearing on preliminary approval of the proposed class settlement.

4. **SETTLEMENT MOTION BRIEFING SCHEDULE**—The Motion for Preliminary Approval of Class Settlement is due by **December 17, 2021**.

- a. Oppositions, if any, shall be filed by **January 14, 2022**.
- b. Replies, if any, shall be filed by **January 28, 2022**.
- c. The Court again cautions parties against excessive use of footnotes.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 15th day of December 2021.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel of record via CM/ECF