

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE: INTRAMTA SWITCHED	§	
ACCESS CHARGES LITIGATION	§	
	§	Civil Action No. 3:14-MD-2587-D
	§	(MDL No. 2587)
	§	
THIS DOCUMENT RELATES TO	§	
ALL CASES	§	

ORDER

Having considered the November 22, 2021 joint status report from lead counsel for the LECs and counsel for the IXC's, the court concludes that it is appropriate to enter an order recommending termination of this multidistrict litigation.

Accordingly, within 28 days of the date of this order, the parties' lead counsel are directed to submit in Word or WordPerfect format a proposed order recommending termination of multidistrict litigation. Although the parties need not conform to the examples of such an order attached as Exhibit A, the examples are provided to assist counsel, if necessary, in preparing the proposed order.

SO ORDERED.

December 21, 2021.


SIDNEY A. FITZWATER
SENIOR JUDGE

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: BEXTRA AND CELEBREX
MARKETING SALES PRACTICES AND
PRODUCT LIABILITY LITIGATION

CASE NO. 05-CV-01699 CRB

MDL No. 1699

This Document Relates To:

ALL CASES

**ORDER RECOMMENDING
TERMINATION OF MULTIDISTRICT
LITIGATION PROCEEDING TO JUDICIAL
PANEL ON MULTIDISTRICT LITIGATION**

In September 2005, the Judicial Panel on Multidistrict Litigation (“JPML” or “the Panel”) assigned these proceedings to this Court. With the able assistance of Special Master Fern M. Smith and counsel for the parties, the Court oversaw extensive discovery, including the production of tens of millions of pages of documents, hundreds of depositions, and voluminous written discovery. The Court, with the assistance of the Special Master, actively coordinated the MDL proceedings with related litigation in the New York and New Jersey state courts to reduce costs and duplication of discovery and to promote the consistent determination of similar issues among these proceedings. The Court also adjudicated a number of dispositive motions affecting a substantial portion of the docket, including motions to dismiss purchase claim class actions on the grounds of federal preemption and state law and *Daubert* motions in the product liability cases with respect to whether Celebrex can cause heart attacks and strokes. The Court and parties

1 selected dozens of individual product liability cases for a bellwether discovery pool, from which
2 the parties agreed to a number of cases for bellwether trials.

3 By the end of 2008, Pfizer Inc. announced that it had resolved the bellwether trial cases, as
4 well as thousands of other product liability cases. In March 2009, the Court preliminarily
5 approved a settlement of the purchase claim class actions, for which it gave final approval in
6 September 2009. By the end of 2009, within approximately four years of centralization, less than
7 six percent of the docket remained, and those remaining cases were settled or otherwise resolved
8 in an expeditious fashion. After approximately seven years of litigation, the Court now has
9 dismissed the final product liability plaintiff from these proceedings.

10 Accordingly, the Court hereby ORDERS as follows:

11 1. The Court hereby TERMINATES certain preservation obligations imposed in
12 various pretrial orders, including Pretrial Order No. 1 (Doc. No. 57), ¶ 13; Pretrial Order No. 4
13 (Doc. No. 169), ¶¶ 7, 34i; Pretrial Order No. 10 (Doc. No. 201), ¶ 13; and Pretrial Order No. 11
14 (Doc. No. 246), ¶ 12.

15 2. Pursuant to paragraph 35 of Pretrial Order No. 3 (Doc. No. 168), the provisions of
16 the protective order issued in this litigation SHALL remain in effect after the termination of these
17 proceedings.

18 3. A number of plaintiffs whose claims were resolved have not yet fulfilled their
19 statutory obligations to the Centers for Medicare and Medicaid Services (“CMS”), although those
20 plaintiffs’ claims have been dismissed from the Court’s docket. Other plaintiffs may in the future
21 file claims relating to the subject matters of this litigation. Nonetheless, the Court does not
22 anticipate any substantial future activity in this litigation. Accordingly, the Court hereby
23 RECOMMENDS to the JPML that the JPML terminate this multidistrict litigation proceeding at
24 this time.

25 4. Should the JPML accept this Court’s recommendation to terminate the
26 multidistrict litigation proceeding, the Clerk of this Court SHALL close the MDL No. 1699
27 master file (M:05-CV-01699-CRB) without further order of this Court.

28 /////

1 5. Should the JPML accept this Court's recommendation to terminate the
2 multidistrict litigation proceeding, and any party subsequently files in (or removes to) a United
3 States District Court any new claims related to this proceeding, the Court recognizes that any
4 request to transfer such an action would be directed to the JPML. If such a request is made,
5 however, this Court would welcome the transfer of any such action to this Court for further
6 proceedings, given the Court's experience with these claims.

7 6. Should any party to these proceedings require the assistance of this Court with
8 respect to plaintiffs' statutory obligations to CMS in cases filed by attorneys that were before this
9 Court, then the litigants may move this Court to re-open this proceeding for the purpose of
10 adjudicating any such issues.

11 **IT IS SO ORDERED.**

12
13 Dated: March 29, 2013



HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re Polyurethane Foam Antitrust
Litigation

Case No. 1:10 MD 2196

This document relates to:
ALL CASES

ORDER RECOMMENDING
TERMINATION OF MULTIDISTRICT
LITIGATION KNOWN AS “IN RE:
POLYURETHANE FOAM ANTITRUST
LITIGATION”

JUDGE JACK ZOUHARY

In December 2010, the Judicial Panel on Multidistrict Litigation (“JPML”) assigned these proceedings to this Court.

This Court entered final approval orders for settlements between the Direct Purchaser Class (“DPC”) and various Defendants in June 2013 ([Doc. 597](#)), February 2015 ([Doc. 1534](#)), and November 2015 ([Doc. 1971](#)), with a final judgment entry in November 2015 ([Doc. 1972](#)). This Court also entered a final approval order for the settlement between the Indirect Purchaser Class (“IPC”) and all Defendants in January 2016 ([Doc. 2020](#)), with a simultaneous final judgment entry ([Doc. 2021](#)).

As all appeals have now run their course, this Court terminates any preservation obligations imposed in various Pretrial Orders. The provisions of any Protective Orders issued in this litigation are likewise lifted.

This Court recommends the JPML terminate this multidistrict litigation proceeding and the Clerk of Court close this matter, subject to this Court’s continuing jurisdiction to enforce its Orders, handle any matters related to the final distributions of the class action settlements, or address any other miscellaneous issues necessary to complete the administration of these cases.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

November 2, 2016