

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:22-md-03036-RJC-DCK

IN RE: GARDASIL PRODUCTS LIABILITY
LITIGATION

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MDL No. 3036

THIS DOCUMENT RELATES TO
ALL CASES

JOINT STATUS REPORT FOR JULY 25, 2023 PRETRIAL CONFERENCE

Pursuant to the Court’s Third Pretrial Order, dated January 27, 2023, the parties jointly submit the following status report ahead of the Pretrial Conference scheduled on July 25, 2023, at 11:00 a.m.:

I. PLEADINGS

A. Merck’s Federal Rule of Civil Procedure 12 Motion

Pursuant to the Third Pretrial Order, Merck filed a Federal Rule of Civil Procedure 12(c) motion in the Bergin (W.D.N.C.) and America (N.D.N.Y.) cases on February 7, 2023. D.E. 67, 68. Pursuant to the parties’ agreement and the Court’s text-only Order, Plaintiffs filed their response on March 9, 2023, and Merck’s reply was filed on March 23, 2023.

B. Initial Bellwether Pool Plaintiffs’ Amended Complaints

Thirteen of the sixteen plaintiffs in the Initial Bellwether Pool filed amended complaints on June 28, 2023. With the exception of two cases in which the parties have agreed to an extension on the deadline for amended pleadings and answers, Merck will file its case-specific answers on July 21, 2023.

II. DISCOVERY

A. Plaintiffs' Motion to Compel

On March 20, 2023, the Court entered its Order related to Plaintiffs' Motion to Compel. The parties continue to meet and confer regarding production logistics concerning the Gardasil and Gardasil 9 adverse event report information from the Merck Adverse event Reporting and Review System ("MARRS").

B. FRCP 30(b)(6) Depositions

The parties have scheduled two 30(b)(6) depositions to occur: one on July 27, 2023, and one on August 2, 2023. The parties continue to meet and confer about topic areas and the deposition protocol.

C. Privilege Log

The parties are meeting and conferring about documents on Merck's privilege log during the week of July 24th.

D. Plaintiffs' Fact Sheets

The parties continue to meet and confer about production format of materials Plaintiffs produced as part of PFS productions.

III. SCHEDULE

Due to the scheduling of the FRCP 30(b)(6) depositions, and the productive meeting and conferring occurring during the same timeframe, the parties propose the July 25, 2023 status conference be cancelled.

Date: July 18, 2023

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