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(Cite as: 244 F.R.D. 650)

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United States District Court,
M.D. Florida,
Orlando Division.
In re SEROQUEL PRODUCTS LIABILITY LITIGATION.

No. 6:06-md-1769-Orl-22DAB.
Aug. 21, 2007.

Background: In multi-district products liability suit, plaintiffs sought discovery sanctions from drug manufacturer.

Holdings: The District Court, [Baker](#), United States Magistrate Judge, held that:

- (1) it could impose discovery sanctions for manufacturer's failure to meet its own commitments regarding electronic discovery;
- (2) sanctions were warranted for violation of case management order entitling plaintiffs to interview manufacturer's information technology employees; and
- (3) manufacturer's failure to produce usable or reasonably accessible electronic documents warranted sanctions.

Ordered accordingly.

West Headnotes

[1] Federal Civil Procedure 170A 1278

[170A](#) Federal Civil Procedure
[170AX](#) Depositions and Discovery
[170AX\(A\)](#) In General
[170Ak1278](#) k. Failure to Respond; Sanctions.
[Most Cited Cases](#)

Discovery sanctions may be granted against a party if there is noncompliance with a court order, notwithstanding a lack of wilfulness or bad faith, although such factors are relevant to the sanction to be imposed for the failure. [Fed.Rules Civ.Proc.Rule 37\(b\)\(2\), 28 U.S.C.A.](#)

[2] Federal Civil Procedure 170A 1636.1

[170A](#) Federal Civil Procedure
[170AX](#) Depositions and Discovery
[170AX\(E\)](#) Discovery and Production of Documents and Other Tangible Things
[170AX\(E\)5](#) Compliance; Failure to Comply
[170Ak1636](#) Failure to Comply; Sanctions
[170Ak1636.1](#) k. In General. [Most Cited Cases](#)

District court could impose discovery sanctions on drug manufacturer for its failure to meet its own commitments regarding electronic discovery in multi-district products liability suit, even though court had denied plaintiffs' motion to compel electronic discovery; court denied the motion without prejudice to give the parties an opportunity to meet and confer with technical people before convening an evidentiary hearing on the discovery issues, court's notice setting the hearing warned of sanctions for obstreperous behavior, plaintiffs filed sanctions motion when manufacturer failed to live up to its commitments made in joint motion to resolve the technical issues, and manufacturer had more than sufficient notice of the possibility of sanctions for its conduct in not producing the discovery in a usable format. [Fed.Rules Civ.Proc.Rule 37, 28 U.S.C.A.](#)

[3] Federal Civil Procedure 170A 1278

[170A](#) Federal Civil Procedure
[170AX](#) Depositions and Discovery
[170AX\(A\)](#) In General
[170Ak1278](#) k. Failure to Respond; Sanctions.
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Court may impose discovery sanctions based on its inherent power to manage its docket and its cases, but a finding of bad faith is required.

[4] Federal Civil Procedure 170A 1278

[170A](#) Federal Civil Procedure
[170AX](#) Depositions and Discovery
[170AX\(A\)](#) In General
[170Ak1278](#) k. Failure to Respond; Sanctions.
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Notice that the conduct may warrant discovery sanctions can come from the party seeking sanctions or from the court, and the accused must be given an opportunity to respond.

[5] Federal Civil Procedure 170A  **1278**


[170A](#) Federal Civil Procedure
[170AX](#) Depositions and Discovery
[170AX\(A\)](#) In General
[170Ak1278](#) k. Failure to Respond; Sanctions.
[Most Cited Cases](#)

A party will not be permitted to gain an advantage by agreeing to cure discovery violation, then fail to implement the cure, and hope to avoid a sanction by forestalling the sanctions ruling. [Fed.Rules Civ.Proc.Rule 37, 28 U.S.C.A.](#)

[6] Federal Civil Procedure 170A  **1636.1**

[170A](#) Federal Civil Procedure
[170AX](#) Depositions and Discovery
[170AX\(E\)](#) Discovery and Production of Documents and Other Tangible Things
[170AX\(E\)5](#) Compliance; Failure to Comply
[170Ak1636](#) Failure to Comply; Sanctions
[170Ak1636.1](#) k. In General. [Most Cited Cases](#)

Drug manufacturer's response to case management order to produce organizational charts did not entitle plaintiffs to discovery sanctions in multi-district products liability suit; there was virtually no specific testimony as to the content of the charts produced and not produced. [Fed.Rules Civ.Proc.Rule 37, 28 U.S.C.A.](#)

[7] Federal Civil Procedure 170A  **1278**

[170A](#) Federal Civil Procedure
[170AX](#) Depositions and Discovery
[170AX\(A\)](#) In General
[170Ak1278](#) k. Failure to Respond; Sanctions.
[Most Cited Cases](#)

Discovery sanctions were warranted in products liability action for drug manufacturer's violation of case management order entitling plaintiffs to interview manu-

facturer's information technology employees and requiring manufacturer to identify employees with knowledge if plaintiffs still had questions after the interview. [Fed.Rules Civ.Proc.Rule 37, 28 U.S.C.A.](#)

[8] Federal Civil Procedure 170A  **1278**

[170A](#) Federal Civil Procedure
[170AX](#) Depositions and Discovery
[170AX\(A\)](#) In General
[170Ak1278](#) k. Failure to Respond; Sanctions.
[Most Cited Cases](#)

Drug manufacturer's failure to cooperate in identification of information technology employees to answer plaintiffs' questions on appropriate production of manufacturer's relevant databases was conduct sanctionable in multi-district products liability suit. [Fed.Rules Civ.Proc.Rule 37, 28 U.S.C.A.](#)

[9] Federal Civil Procedure 170A  **1636.1**

[170A](#) Federal Civil Procedure
[170AX](#) Depositions and Discovery
[170AX\(E\)](#) Discovery and Production of Documents and Other Tangible Things
[170AX\(E\)5](#) Compliance; Failure to Comply
[170Ak1636](#) Failure to Comply; Sanctions
[170Ak1636.1](#) k. In General. [Most Cited Cases](#)

Drug manufacturer's failure to produce usable or reasonably accessible electronic documents in response to plaintiffs' discovery request warranted sanctions in multi-district products liability suit; production by manufacturer had load file, metadata, page break, and key word search problems, making the 10 million pages of documents inaccessible, unsearchable, and unusable. [Fed.Rules Civ.Proc.Rule 37, 28 U.S.C.A.](#)

***651 ORDER**

[BAKER](#), United States Magistrate Judge.
TO THE UNITED STATES DISTRICT COURT

This cause came on for consideration after hearing on the following motion filed herein:

MOTION:

PLAINTIFFS' MOTION FOR DISCOVERY SANCTIONS (Doc. No. 256)

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FILED:

July 3, 2007

THEREON it is **ORDERED** that the motion is **GRANTED** in part.

In this multidistrict litigation, Plaintiffs have sued Defendants for claims arising from alleged injuries from ingesting AstraZeneca's [Seroquel](#), an atypical anti-psychotic medication that allegedly can cause [diabetes](#) and related disorders. Doc. No. 1.

Plaintiffs have moved for sanctions based on AstraZeneca's "failure to timely comply with numerous discovery obligations since the inception of this litigation" based on four categories of conduct. Doc. No. 256 at 1. Plaintiffs base their Motion for Sanctions, first, on AZ's failure to produce, in a readable format, key elements of the IND/NDA in November 2006 as ordered, not producing a key element until June 2007. Second, Plaintiffs contend that AZ failed to produce organizational charts by January 2006 as ordered and withheld the vast majority of them until May 14, 2007. Third, Plaintiffs argue AZ failed to identify all relevant databases which it was obligated to identify in January 2007, instead identifying only a fraction; to date, Plaintiffs have now identified fifty-nine relevant databases. Fourth, Plaintiffs' strongest contention is that, although AZ was to produce electronic discovery from its self-chosen "custodians"—those employees most knowledgeable about [Seroquel](#) and its development—AZ waited until mid-May to begin production of the overwhelming majority of the documents and the documents actually produced have significant errors of omission and were not readable or searchable.

AZ contends that the Motion for Sanctions should be denied on procedural grounds because Plaintiffs have not successfully moved to compel and no sanctions are warranted because AZ has complied with the Court's discovery orders. AZ argues that it has produced the entire IND/NDA to Plaintiffs; has produced organizational charts "early, *652 often, and abundantly"; its custodial production was timely and appropriate; and it has not violated any orders to produce databases.

The Court finds that some of the conduct Plaintiffs have complained of is not sanctionable, however, AZ's custodial production issues, and its uncooperative efforts to resolve technical issues, are a violation of e-discovery

rules and principles. AZ's failure to produce Item 12 of the CANDA in the IND/NDA was oversight or excusable neglect. AZ's failure to produce organizational charts per CMO 2 in a timely fashion was also the result of excusable neglect. However, AZ's failure to cooperate in the production of the databases and its failure to timely and systematically produce electronic discovery associated with eighty AZ "custodians" in any manageable, searchable form are sanctionable conduct. The Court will reserve ruling on the appropriate sanctions pending further discovery and after Plaintiffs have the opportunity to offer evidence of the specific prejudice or added costs the sanctionable conduct has caused.

I. BACKGROUND

This multidistrict litigation was transferred to the Middle District of Florida by the Judicial Panel on Multidistrict Litigation on July 10, 2006. Doc. No. 1. On August 15, 2006, Judge Conway entered an order setting the first pretrial status and discovery conference for September 7, 2006. Doc. No. 4. At that hearing there was a substantial discussion as to expectations for the progress of discovery. It was the Court's expectation that the indisputably relevant material would be produced quickly and without difficulty, despite its volume. Counsel for AZ requested 60 days to complete electronic formatting of the NDA and IND. This extra time was deemed necessary to eliminate the possibility of being unable to meet the Court's deadlines. Doc. No. 32 at 21. The Court's reliance on experienced counsels' ability to accomplish routine matters routinely and timely was in vain.

During the status conference held on November 20, 2006, the Court requested that the parties meet and confer "to submit either agreed proposals to cover document preservation, production protocol and resolution of this issue about formatting of things already produced by December 5, 2006." Doc. No. 84 at 43. However, instead of submitting an agreed proposal for production protocol and formatting, the parties submitted competing proposals (Doc. No. 99 & 100), apparently without a good faith conference within the meaning of Local Rule 3.01(g). Three days before the December 8, 2006 status conference, the parties finally began discussions about electronic

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documents being produced with searchable load files, bates-stamped TIFF's ^{FN1} and various metadata fields. Doc. No. 100 at 1-2 (December 10, 2006). Following the status conferences before the Court on December 11-which the Court had to adjourn and carry over to December 12, 2006 because the parties had been unable to agree ahead of time-the parties proposed a Joint Motion to adopt two case management orders. Doc. No. 110.

FN1. TIFF (Tagged Image File Format) is one of the most widely used and supported graphic file formats for storing bit-mapped images, with many different compression formats and resolutions. A TIFF file is characterized by its "tif" file name extension. The Sedona Conference Glossary for E-Discovery and Digital Information Management (The Sedona Conference Working Group Series, May 2005 Version), available at <http://www.thesedonaconference.org>; cited in [*Williams v. Sprint/United Management Co.*, 230 F.R.D. 640, 643 \(D.Kan.2005\)](#).

The Joint Motion stated, "It is the stated policy of AZ counsel, and its client, that commensurate with the goals of these MDL cases to get to Plaintiffs' counsel *in a timely manner* and *in a format usable* the necessary production documents that the opposing side will need to help them develop, evaluate, and understand their cases for purposes of ultimate prosecution and/or dismissal of cases.... It is submitted that [proposed] CMO 2 reflects the confluence of the competing interests of both parties, and reflects a workable, practical and judicially efficient methodology and system for the production of documents to the MDL Plaintiffs." Doc. No. 110 at 4 (emphasis added). On its face, the proposal did that. Unfortunately, AZ has not lived up to producing discovery in a timely manner or useable format.

*653 The proposed CMO 2 submitted by the parties set forth deadlines for AstraZeneca's production of organizational charts for its corporate structure, the [Seroquel](#) team, and the drug safety team for the past ten years; listings of 80 (eighty) custodians from whom it is collecting documents; listing of databases concerning document production and preservation; timing for interviews of knowledgeable AstraZeneca IT persons, and the parties' agreed format of the production of custodial files. Doc. No. 110-3. As the Court commented at the time, "The failure of the Defendant to investigate and understand its own records and documents and to prepare them for production has not met the expectations of the Court as discussed at

the September 2006 Conference." Doc. No. 113. The Court also commented on its misgivings as to the "proposed CMO 2 regarding production and preservation of Defendant's documents, [which] still seems unduly cumbersome. Nonetheless, if the parties are confident that their agreement will allow them to present issues to the Court for appropriate consideration and disposition without delays engendered by claims of non production of information, the proposal can be approved." Doc. No. 113.

On January 26, 2007, Judge Conway entered CMO 2 (Doc. No. 129) portions of which were adopted verbatim from the parties' proposed CMO 2. That order set forth specific undertakings and obligations regarding provision of discovery without the need for separate requests under the rules of procedure. Matters included a schedule for production of organizational charts; identification of AZ's first round of eight chosen witnesses, all of whose documents would be produced earliest; AZ's identification of relevant databases (including informal interviews with AZ's IT staff); the required format for electronic documents (including required metadata fields); and deduplication of documents. Doc. No. 129.

On April 26, 2007, Plaintiffs filed their Motion to Compel Defendants to Provide Complete Certified Production of the First Eight Custodial Files and All Other Custodial Files Produced to Date; Suspending the Custodial Production Method upon Completion of the Production of the Outstanding Custodial Files Produced to Date; and Immediately Permitting Plaintiffs to Proceed by a Notice to Produce Method of Discovery. Doc. No. 198. The Court denied the Motion to Compel without prejudice to allow the parties time to confer "in good faith and *in extenso*" on the issues described in the Motion to Compel; the Court also set an evidentiary hearing on the matters raised in the Motion for June 13, 2007, alerting the parties:

ANY PARTY WHOSE CONDUCT NECESSITATES THE EVIDENTIARY HEARING SHOULD EXPECT THE IMPOSITION OF SANCTIONS FOR ANY UNREASONABLE OR INAPPROPRIATE CONDUCT OR POSITION TAKEN WITH RESPECT TO THESE MATTERS.

Doc. No. 210 (capitals and bold in the original).

On June 8, 2007, the evidentiary hearing was canceled based on the parties' Joint Statement of Resolved Issues and Notice that a Hearing is Not Required (Doc. No. 221) filed on June 7, 2007. At that time, Plaintiffs accepted the

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representations made by AZ that corrections would be made to the problems Plaintiffs identified in the Motion to Compel, *e.g.*, load files, metadata, bates numbering, page breaks, excel spreadsheets, and blank documents; the CANDA would also be produced; and the parties would continue to confer on the database production. Doc. No. 221.

However, less than one month later, on July 3, 2007, Plaintiffs filed their Motion for Sanctions (Doc. No. 256), one business day before the July 5, 2007 Status Conference. Following the July 5 status conference, the Court set an evidentiary hearing on the matter for July 26, 2007. Doc. Nos. 263, 264. The Motion for Sanctions came on for hearing in this Court on July 26, 2007. Doc. No. 318.

II. LEGAL FRAMEWORK

Standards for Electronic Discovery in Complex Litigation

As businesses increasingly rely on electronic record keeping, the number of potential*654 discoverable documents has skyrocketed and so also has the potential for discovery abuse. Of even more consequence in this complex litigation is the fact that it involves development of a drug that spent many years in development by an international corporation and has been distributed worldwide, with the number of Plaintiffs in this multi-district litigation exceeding 6,500. The Manual for Complex Litigation (Fourth Edition) provides the following guidance for dealing with such vast amounts of data:

Computerized data have become commonplace in litigation. The sheer volume of such data, when compared with conventional paper documentation, can be staggering.... One gigabyte is the equivalent of 500,000 type-written pages. Large corporate computer networks create backup data measured in terabytes, or 1,000,000 megabytes; each terabyte represents the equivalent of 500 billion [sic] typewritten pages of plain text.

Digital or electronic information can be stored in any of the following: mainframe computers, network servers, personal computers, hand-held devices, automobiles, or household appliances; or it can be accessible via the Internet, from private networks, or from third parties. Any discovery plan must address issues relating to such information, including the search for it and its location, retrieval, form of production, inspection, preservation, and use at trial.

For the most part, such data will reflect information

generated and maintained in the ordinary course of business. As such, discovery of relevant and nonprivileged data is routine and within the commonly understood scope of Rule 26 and 34. Other data are generated and stored as a byproduct of the various information technologies commonly employed by parties in the ordinary course of business, but not routinely retrieved and used for business purposes. Such data include the following:

Metadata, or "information about information." This includes the information embedded in a routine computer file reflecting the file creation date, when it was last accessed or edited, by whom, and sometimes previous versions or editorial changes. This information is not apparent on a screen or in a normal printout of the file, and it is often generated and maintained without the knowledge of the file user....

* * *

The judge should encourage the parties to discuss the scope of proposed computer-based discovery early in the case, particularly any discovery of data beyond that available to the responding parties in the ordinary course of business. The requesting parties should identify the information they require as narrowly and precisely as possible, and the responding parties should be forthcoming and explicit in identifying what data are available from what sources, to allow formulation of a realistic computer-based discovery plan. Rule 26(b)(2)(iii) allows the court to limit or modify the extent of otherwise allowable discovery if the burdens outweigh the likely benefit—the rule should be used to discourage costly, speculative, duplicative, or unduly burdensome discovery of computer data and systems....

There are several reasons to encourage parties to produce and exchange data in electronic form ...

- production of computer data on disks, CD-ROMS, or by file transfers significantly reduces the costs of copying, transport, storage, and management—protocols may be established by the parties to facilitate the handling of documents from initial production to use in depositions and pretrial procedures to presentation at trial;

- computerized data are far more easily searched, located, and organized than paper data; and

- computerized data may form the contents for a

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common document depository.

The goal is to maximize these potential advantages while *minimizing the potential problems of incompatibility among various computer systems, programs, and data, and minimizing problems with intrusiveness, data integrity, and information overload*

*655 The relatively inexpensive production of computer-readable images may suffice for the vast majority of requested data. Dynamic data may need to be produced in native format, or in a modified format in which the integrity of the data can be maintained while the data can be manipulated for analysis. If raw data are produced, appropriate applications, file structures, manuals, and other tools necessary for the proper translation and use of the data must be provided. *Files (such as E-mail) for which metadata is essential to the understanding of the primary data should be identified and produced in an appropriate format.*

[MANUAL FOR COMPLEX LITIGATION § 11.446](#), *Discovery of Computerized Data* (Fourth Ed.2004) (emphasis added). Against the backdrop of the heightened demands for usability and searchability of the electronic discovery produced in a multi-district case, is the need for the parties to confer on the format of the production, keeping in mind that the responding party is best situated to evaluate the procedures, and the need to produce the information in a reasonably usable form to enable the receiving party to have the same ability to access, search, and display the information. *Id.*

Particularly in complex litigation, there is a heightened need for the parties to confer about the format of the electronic discovery being produced. Pursuant to [Federal Rule of Civil Procedure 26](#), the parties are expected to confer, not only on the nature and basis of their claims and defenses, but also to discuss “any issues relating to disclosure or discovery or electronically stored information, including the form or forms in which it should be produced.” [FED. R. CIV. P. 26\(f\)\(3\)](#). [Rule 26\(f\)](#) was amended on December 1, 2006 to direct the parties to discuss discovery of electronically stored information during their discovery-planning conference. [FED. R. CIV. P. 26\(f\)](#) advisory committee notes. The Order adopting this amendment to [Rule 26](#) provides that such amendments “shall take effect on December 1, 2006, and shall govern in all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.” [W.E. Aubuchon Co. v. Benefirst, LLC](#), 245 F.R.D. 38, 42, 2007 WL

[1765610, *3 \(D.Mass.2007\)](#). According to [Rule 26](#):

It may be important for the parties to discuss their systems, and accordingly important for counsel to become familiar with those systems before the conference. With that information, the parties can develop a discovery plan that takes into account the capabilities of their computer systems. In appropriate cases identification of, and early discovery from, individuals with special knowledge of a party's computer systems may be helpful.

The particular issues regarding electronically stored information that deserve attention during the discovery planning stage depend on the specifics of the given case. See [Manual for Complex Litigation \(4th\) § 40.25\(2\)](#) (listing topics for discussion in a proposed order regarding meet-and-confer sessions). For example, the parties may specify the topics for such discovery and the time period for which discovery will be sought. They may identify the various sources of such information within a party's control that should be searched for electronically stored information. They may discuss whether the information is reasonably accessible to the party that has it, including the burden or cost of retrieving and reviewing the information. See [Rule 26\(b\)\(2\)\(B\)](#). [Rule 26\(f\)\(3\)](#) explicitly directs the parties to discuss the form or forms in which electronically stored information might be produced. *The parties may be able to reach agreement on the forms of production, making discovery more efficient.* Rule 34(b) is amended to permit a requesting party to specify the form or forms in which it wants electronically stored information produced. If the requesting party does not specify a form, Rule 34(b) directs the responding party to state the forms it intends to use in the production. Early discussion of the forms of production may facilitate the application of Rule 34(b) by allowing the parties to determine what forms of production will meet both parties' needs. Early identification of disputes over the forms of production may help avoid the expense and delay of searches or productions using inappropriate*656 forms.... Computer programs may retain draft language, editorial comments, and other deleted matter (sometimes referred to as “embedded data” or “embedded edits”) in an electronic file but not make them apparent to the reader. Information describing the history, tracking, or management of an electronic file (sometimes called “metadata”) is usually not apparent to the reader viewing a hard copy or a screen image. Whether this information should be produced may be among the topics discussed in the [Rule](#)

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[26\(f\)](#) conference.

[FED. R. CIV. P. 26\(f\)\(3\)](#), advisory committee notes (emphasis added).

A leading resource on dealing with electronic discovery is the Second Edition of the Sedona Principles, on which AZ relied at the July 26, 2007 hearing on the Motion for Sanctions. Principle 3 states, “Parties should confer early in discovery regarding the preservation and production of electronically stored information when these matters are at issue in the litigation and seek to agree on the scope of each party’s rights and responsibilities.” *The Sedona Principles, Second Edition: Best Practices, Recommendations & Principles for Addressing Electronic Document Discovery* (The Sedona Conference ^{FN2} Working Group Series, 2007).

FN2. The Sedona Conference is a nonprofit legal policy research and educational organization which sponsors Working Groups on cutting-edge issues of law. The Working Group on Electronic Document Production is comprised of judges, attorneys, and technologists experienced in electronic discovery and document management matters.

Authority for Sanctions

[1] Pursuant to [Federal Rule of Civil Procedure 37](#), the Court may impose broad sanctions for discovery-related abuses. [Federal Rule of Civil Procedure 37](#) governs a party’s failure to make a proper disclosure or cooperate in discovery. For purposes of [Rule 37](#), an incomplete response is to be treated as a failure to respond. [FED. R. CIV. P. 37\(a\)\(3\)](#). [Rule 37\(b\)\(2\)](#) states that a court may grant sanctions against a party that “fails to obey an order to provide or permit discovery.” Sanctions may be granted against a party under [Rule 37\(b\)\(2\)](#) if there is noncompliance with a court order, notwithstanding a lack of willfulness or bad faith, although such factors “are relevant ... to the sanction to be imposed for the failure.” 8A Charles Alan Wright, Arthur R. Miller & Richard L. Marcus, [FEDERAL PRACTICE & PROCEDURE § 2283](#), at 608 (2d ed.1994); see [Melendez v. Ill. Bell Tel. Co.](#), 79 F.3d 661, 671 (7th Cir.1996) (“Bad faith ... is not required for a district court to sanction a party for discovery abuses. Sanctions are proper upon a finding of willfulness, bad faith, or fault on the part of the noncomplying litigant.”); [Alexander v. Fed. Bureau of Investigation](#), 186 F.R.D. 78, 88 (D.D.C.1998) (“In making the determination of whether to impose sanctions, [Rule 37\(b\)\(2\)](#) does not require a

showing of willfulness or bad faith as a prerequisite to the imposition of sanctions upon a party.” (citations omitted)). The district court has broad discretion to fashion appropriate sanctions for the violation of discovery orders. [United States v. Certain Real Property Located at Route 1](#), 126 F.3d 1314, 1317 (11th Cir.1997); see also [Natl’ Hockey League v. Metro. Hockey Club, Inc.](#), 427 U.S. 639, 642, 96 S.Ct. 2778, 49 L.Ed.2d 747 (1976); [Friends of Animals, Inc. v. U.S. Surgical Corp.](#), 131 F.3d 332, 334 (2d Cir.1997) (“A district court has broad power to impose [Rule 37\(b\)](#) sanctions in response to abusive litigation practices.”).

III. CONTENTIONS AND ANALYSIS

Procedural Posture

[2] AZ argues that the Motion for Sanctions should be denied on procedural grounds because there has been no motion to compel, no proper request for documents complained of, and no prejudice to Plaintiffs from the delay in the productions, relying on [United States v. Certain Real Property Located at Route 1](#), 126 F.3d 1314, 1317 (11th Cir.1997). However, in [Certain Real Property](#) the Eleventh Circuit reversed the harshest of sanctions, a default judgment, as a sanction for discovery abuse that had not been preceded by a court order *or*, notably, by a motion to compel. [Id. at 1317-18](#) (“[O]n its face, [\[Rule 37\]](#) does not require that a court formally issue an order compelling discovery before *657 sanctions are authorized.... [T]he absence of either a *motion to compel* filed by the government or an order of the court compelling discovery, the violation of which might implicate [Rule 37](#), rendered inappropriate the imposition of the types of sanctions levied here” [*i.e.*, default judgment]).

In circumstances such as those present in this case, there has been a motion to compel discovery directly on point as to AZ’s failings-giving adequate notice to AZ of Plaintiffs’ complaints-prior to the Court imposing sanctions. Doc. Nos. 198, 221. Plaintiffs filed their Motion to Compel listing many technical issues with regard to proper load files, metadata, bates numbering, page breaks, excel spreadsheets, blank documents, and CANDAs, which the Court denied without prejudice to give the parties an opportunity to meet and confer (with technical people involved) before convening an evidentiary hearing on the discovery issues that Plaintiffs raised. In the Notice setting the hearing the Court warned in words written in bold and all capitals that sanctions would be imposed for obstreperous behavior. Doc. No. 210. In part, the Court allowed further conference between the parties to give counsel the opportunity to have their technical people participate in

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finding solutions. Following conferences between the parties, Plaintiffs filed a notice canceling the hearing based on the representations of AZ that the technical issues would be resolved by various means; otherwise, the evidentiary hearing would have gone forward with the distinct possibility of sanctions. When AZ failed to live up to its commitments made in the Joint Motion to resolve the technical issues, Plaintiffs filed their Motion for Sanctions raising some of the identical grounds, and the Court set these issues for hearing. AZ has had more than sufficient notice of the possibility of sanctions for its conduct in not producing the discovery in a usable format.

[3][4] The Court may also impose sanctions based on its inherent power to manage its docket and its cases. *In re Mroz*, 65 F.3d 1567, 1575 (11th Cir.1995) (quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 46, 111 S.Ct. 2123, 115 L.Ed.2d 27 (1991)); *Residential Funding Corp. v. Degeorge Fin. Corp.*, 306 F.3d 99, 106-07 (2d Cir.2002) (court's has the "inherent power to manage its own affairs" via sanctions). A finding of bad faith, however, is required to impose sanctions based on the Court's inherent powers. *In re Mroz*, 65 F.3d at 1575. Notice that the conduct may warrant sanctions can come from the party seeking sanctions or from the court, and the accused must be given an opportunity to respond. *Id.* at 1575-76.

[5] Because the Court finds that Plaintiffs' previous Motion to Compel, and the Court's order setting the Evidentiary Hearing on the Motion gave AZ sufficient notice of the discovery conduct Plaintiffs were challenging and the possibility for sanctions if it was not resolved, the Court may sanction AZ for its conduct. AZ apparently relies on the fact that the Court had not granted Plaintiffs' Motion to Compel and ordered AZ to produce certain documents. That argument is disingenuous. The sole reason the Motion to Compel was not revisited and the evidentiary hearing on its merits not held was because AZ agreed (in the Joint Statement of Resolved Issues-Doc. No. 221) that it would make corrections to the electronic discovery to make it accessible and searchable. A party will not be permitted to gain an advantage by agreeing to cure the discovery violation, then fail to implement the cure, and hope to avoid a sanction by forestalling the sanctions ruling. AZ's stipulation to resolve the discovery issues, under threat of sanctions for obstreperous behavior, does not preclude the Court from sanctioning it under [Rule 37](#) under the circumstances of this multi-district case. *See, e.g., In re Orthopedic Bone Screw Products Liability Litigation*, No. MDL 1014, 1997 WL 805219 (E.D.Pa.1997) (Bechtle, J.) (imposing [Rule 37](#) sanctions on defendants in

multi-district case for failure to produce certain discovery after the court entered a general pretrial order requiring compliance with discovery requests following plaintiffs' previous motion to compel). In this case, the Court set an evidentiary hearing, threatened sanctions if the parties did not resolve the technical issues. AZ's failure to meet its own commitments and its general chosen course of conduct regarding document production and resolution of difficulties*658 warrants imposition of [Rule 37](#) sanctions.

Particular Issues

1. **IND/NDA-Plaintiffs** contend that AZ failed to produce a key element of the IND/NDA in November 2006 as ordered, not producing it until June 2007, and the materials produced were not in usable form. At the September 7, 2006 hearing, AZ stated that the electronic formatting of the IND/DNA had begun. Doc. No. 32 at 17-21. The Court allowed AZ until November 7, 2006 to produce it even though, as the Court pointed out, much of the material had been produced to the FDA in electronic format and should have been prepared for production earlier. Plaintiffs contend they had to spend "nearly two months of work" to make it suitable for substantive review and the production omitted the CANADA safety database-which was not produced until June 8, 2007.

Plaintiff's expert and fact witness, Jonathan Jaffe ^{FN3}, testified that on November 15, 2007, Plaintiffs realized the IND/NDA production was not searchable for several reasons: no metadata was retrieved; there were multi-page TIFF images, some of which consisted of more than 20,000 pages; there was nothing showing bates numbering; 8% of the entire production was in one lengthy document which could only be opened with a very powerful work station; and there were no load files; thus the production was not in a usable or searchable format. At that point, on November 17, 2006, Mr. Jaffe sent to AZ's counsel an email suggesting fixes to the IND/NDA. *See* Pl.Ex. 16.01. As of nine months later, or the date of the July 26, 2007 hearing, AZ had not fixed problems according to Mr. Jaffe, whose team attempted to fix problems themselves by splitting apart the documents and the redoing bates numbering. AZ had offered to do it for \$26,000 over 6 weeks; it took Mr. Jaffe's team more than a month with a few dedicated team members.

^{FN3}. Mr. Jaffe has experience with Weitz & Luxenburg working with electronic document productions. He holds a degree in economics and mathematics from Columbia University. He began IT work in 1995 in last year of high school

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and has worked at Weitz & Luxenburg since that time. AZ did not challenge his designation as an expert.

Mr. Jaffe further testified that in November to December 2006, Plaintiffs asked for electronic documents in native or near native format, with metadata, and extracted text and image files, that had page breaks in it. Mr. Jaffe, supported by several exhibits, described extensive efforts to resolve technical issues. See, *e.g.*, Pl.Ex. 16.03 and 16.04. Mr. Jaffe made multiple requests to speak to technical people, but he was told there was no IT person with whom he could confer regarding the IT issues.^{FN4} In response to a query by the Court, Mr. Jaffe testified that he did not believe that he had had discussions about IT problems with AZ's vendors because he believed that a vendor could have straightened a lot of the issues out and would have used the same template. There was no equivalent IT expert counterpart (like Mr. Jaffe) at AZ's law firm with whom he could confer.

[FN4](#). AZ's refusal to allow contact between individuals with appropriate technical backgrounds as part of the effort to resolve technical issues is an inexplicable departure from the requirements of [Rule 26](#), the Sedona Principles and this Court's expressed expectations.

AZ contends that it produced in November 2006 more than 450,000 pages of the IND/NDA, including any amendments and communications with the FDA, and until the April 12, 2007 status conference, Plaintiffs did not mention the omission of the CANDAs, an electronic version of the NDA submitted to the FDA in addition to the paper NDA. AZ contends that the [Seroquel](#) CANDA contains the same information as the [Seroquel](#) NDA (produced in November 2006), with the exception of Item 12 (Case Report Forms), which the FDA did not require to be submitted in hard copy and was only submitted as part of CANDA. AZ explains that it did not produce Item 12 separately because it believed Item 12 to be duplicative of the NDA production already made. Because Item 12 was preserved on DLT tapes in a format now obsolete, AZ had to find a vendor capable of converting the tapes; after they were converted, AZ produced Item 12. AZ's fact *659 witness, Mr. Dupre, testified that AZ produced CANDA Item 12 on June 8 or 11, 2007.

The Court finds that AZ's failure to produce Item 12 was not more than excusable neglect or inadvertent failure not to produce what it believed had already been produced

to Plaintiffs. However, the problems in formatting the IND/NDA, which Plaintiffs apparently have since resolved, especially the page break problems and the lack of metadata, no load files, and lack of search data, while cured by Plaintiffs' efforts, bear on the discussion of AZ's failures to make the custodial production usable or in reasonably accessible format (as addressed below).

[\[6\]](#) **2. Organizational Charts**-Plaintiffs contend that AZ was ordered to produce organizational charts under CMO 2 by January 2006 and although approximately twenty pages of charts were produced, Plaintiffs received the majority of the rest of the organizational charts at the Rule 30(b)(6) deposition of Ann Booth-Barbarian on May 14, 2007. AZ also produced additional charts on June 25, 2007 with custodial productions. Doc. No. 289 at 5. Plaintiffs have since propounded formal requests for more organizational charts, as to which AZ has indicated it is still investigating. Plaintiffs contend that AZ's failure to timely produce the organizational charts has delayed their ability to identify key witnesses for custodial production and deposition.

AZ contends it has complied with its discovery obligations of CMO 2 because Plaintiffs could request additional organizational charts beyond the initial production by AZ, plaintiffs have done so, and AZ has responded. AZ argues that it should not be penalized for production of additional organizational charts at corporate representatives' Rule 30(b)(6) depositions, where Plaintiffs' deposition notices were accompanied by document requests, and the charts were responsive to those requests.

The Court finds no sanctions are warranted on this issue. CMO 2 required that, by January 15, 2007, Astra-Zeneca was to produce "available organizational charts reflecting its general corporate structure, the structure of the [Seroquel](#) team, and the structure of the drug safety team for the past ten years." Doc. No. 129. Plaintiffs could also serve written requests for additional organizational charts. *Id.* There was virtually no specific testimony as to the content of the charts produced and not produced.

[\[7\]](#) **3. Database Production**-Plaintiffs argue AZ failed to identify all relevant databases by January 5, 2007, which it was obligated to do pursuant to CMO 2; instead AZ identified only 15 databases. Doc. No. 256 Ex. J. However, to date, Plaintiffs have identified fifty-nine relevant databases through additional interviews, depositions, and meetings. Plaintiffs contend that AZ has produced no information whatsoever from any of these data-

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bases, and they are resisting producing databases without Requests for Production. Plaintiffs requested basic information about each database in order to assist with prioritization, formatting and production-information which, by its own admission, AZ refused to provide until July 2, 2007.

AZ responds that it should not be sanctioned because Plaintiffs have “not even served AZ with any discovery requests for wholesale production of the databases,” AZ has not violated an order to produce, and it only identified a small number of databases initially because they only had to identify those that correlated to the 14 discrete categories identified by Plaintiffs. Doc. No. 278 at 10. In addition, AZ has produced IT witnesses for informal interviews and four days of 30(b)(6) depositions about AZ databases.

CMO 2 required that, by January 5, 2007, AstraZeneca provide Plaintiffs with a list of databases of the following type: 1) adverse event database; 2) sales call tracking database; 3) IMS database; 4) clinical communications database; 5) regulatory database; 6) regulatory contact databases; 7) clinical trial database; 8) medical literature database; 9) research report database; 10) documentum or similar databases (document management systems used by many pharmacy companies); 11) visitor speakers bureau and/or thought leader databases; 12) clinical payments database; 13) field force rosters; and 14) instant message, voicemail, discussion forum and prior*660 website page databases, transcripts and recovery. Doc. No. 129.

By January 25, 2007, AstraZeneca was required to allow Plaintiffs to conduct informal interviews, in person or by telephone, of a knowledgeable AstraZeneca-employed IT person or persons who can adequately address plaintiffs' questions about said databases and how information can potentially be produced or extracted from them. Doc. No. 129. “If, after any such interview, Plaintiffs determine that the individual cannot adequately answer their questions or does not have the requisite knowledge about the database in question, plaintiffs shall identify the issues for which they seek additional information, and AstraZeneca shall promptly identify an IT employee with knowledge of such issues and present that person for interview.” Doc. No. 129. AZ's identification of the databases would not be construed as an agreement to produce them [FN5](#); the parties were to confer regarding the discoverability and feasibility of any request for production of a database, including the form and scope of any such production. Doc. No. 129.

[FN5](#). AZ argues that it is not obligated to give Plaintiffs access to its databases, following Eleventh Circuit precedent in *In re Ford Motor Company*, 345 F.3d 1315 (11th Cir.2003). AZ also argued that, according to the deposition testimony of Jon Dowling, a senior manager in the information services section, the databases are not Seroquel specific. Doc. No. 297-60, Def. Ex. 43 at 78-81. Mr. Dowling testified (on May 9, 2007) that it would take about six months to extract the data for a single drug such as Seroquel from one database. Doc. No. 297-63, Def. Ex. 44 at 295-97. None of this bears, however, on AZ's failure to confer in good faith on the database production.

Testimony from the only two witnesses [FN6](#) presented who had any involvement in the discovery process (as well as the exhibits) establishes that, with respect to identification and production of relevant portions of databases, “what we have here is failure to communicate.” Worse, the posturing and petulance displayed by both sides on this issue shows a disturbing departure from the expected professionalism necessary to get this case ready for appropriate disposition. Identifying relevant records and working out technical methods for their production is a cooperative undertaking, not part of the adversarial give and take. This is not to say that the parties cannot have reasonable disputes regarding the scope of discovery. But such disputes should not entail endless wrangling about simply identifying what records exist and determining their format. This case includes a myriad of significant legal issues and complexities engendered by the number of plaintiffs. Dealing as effective advocates representing adverse interests on those matters is challenge enough. It is not appropriate to seek an advantage in the litigation by failing to cooperate in the identification of basic evidence. The parties' mode of proceeding here has prevented the presentation of any genuine issues as to the proper scope of production of material from data bases. Both parties must bear some of the responsibility for the breakdown, but it is primarily AZ, as the creator and owner of the information, which has failed to make a sincere effort to facilitate an understanding of what records are kept and what their availability might be.

[FN6](#). AZ's decision to offer only the testimony of a junior level attorney, only somewhat versed in technical issues and one who came late to the process is puzzling. AZ provided essentially no information as to how it organized its search for

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relevant material, what steps it took to assure reasonable completeness and quality control. Its efforts at finding solutions to technical problems are likewise unilluminated.

The Court finds sanctions are warranted for AZ's violation of the Court's explicit order in CMO 2 that the Plaintiffs were to interview AZ's IT employees and if, they still had questions after the interview, would identify the issues for which they still needed information, and AstraZeneca was to identify an IT employee with the relevant knowledge. Doc. No. 129. In addition, the parties were to confer regarding the discoverability and feasibility of any request for production of a database. Based on the testimony of Mr. Jaffe, Plaintiffs' interviews of the AZ IT employees left questions about the databases unanswered because they were not clear or specific. Plaintiffs' attempt to get further clarification through the chart was within the bounds of conferring further under CMO 2.

***661** [8] Based on the testimony of Mr. Dupre at the hearing, by its own admission, AZ stopped participating in the process to confer on the databases despite its explicit agreement to produce them and to cooperate in providing personnel familiar for Plaintiffs to interview to determine which ones to seek production of. Mr. Dupre also testified that AZ never intended to produce databases, it would only produce some subset of information; yet he emailed Plaintiffs' counsel that AZ would work cooperatively with Plaintiffs on production of databases (Pl.Ex. 16.20). AZ's failure to cooperate in identification leading to appropriate production of its relevant databases is conduct sanctionable under [Rule 37](#). The relief to be awarded will be dealt with separately.

4. Custodial Production-AZ's biggest failure has been what can properly be characterized as "purposeful sluggishness" in the production from its self-chosen "custodians"-those employees most knowledgeable about [Seroquel](#) and its development. Plaintiffs contend AZ waited until mid-May 2007 to begin production of the overwhelming majority of the documents from these "custodians" and the documents produced have significant errors of omission and are not readable or searchable. Plaintiffs contend that the custodial production has a great deal of missing data, *e.g.*, although AstraZeneca has a system to deliver voicemail, faxes, and video into Outlook inboxes, none has been produced; there are few emails from some custodians, and email boxes are missing from alternate email boxes. Plaintiffs also contend that many relevant emails and documents were not identified and

produced because AZ performed an unreasonable key word search [FN7](#). Plaintiffs allege that other relevant documents were omitted because the best available de-duplication method was not used; AZ missed deadlines and produced the electronic documents late; a significant portion of the production had blank pages; new load files were not searchable, in part because the date formats in the metadata were inconsistently loaded and email attachments not consistently associated or identified; authors were not identified as custodians for files; transposed metadata recipients/authors; and no page breaks were inserted in 3.75 million pages.

[FN7](#). Examples include omitting Seroquel's generic name, acronyms for diabetes, hyperglycaemia spelled the British way; and endocrine. The search method apparently failed to include common misspellings or the singular forms of words and failed to make allowance for spaces or dashes.

AZ responds that Plaintiffs have not met standard for imposing sanctions, which is bad faith. AZ argues that Plaintiffs' discovery issues have been a moving target, and that issues raised by Plaintiffs have been resolved or "in the process of being resolved" by July 20, 2007. AZ has produced "massive" amounts of discovery-10 million pages [FN8](#)-with few mistakes and by the June 30, 2007 deadline. AZ argues that Plaintiffs were aware that it was using search terms to limit the "custodians'" discovery to identify potentially responsive electronic documents, citing the Sedona Principles. AZ contends that it gave Plaintiffs a list of its 60 search terms in April 2007 and if Plaintiffs wanted AZ to use additional terms, Plaintiff could have simply asked for them. During discussions just prior to the July 26 hearing, AZ offered to run additional search terms suggested by Plaintiffs, but they have been "stubbornly unresponsive." Doc. No. 278 at 8.

[FN8](#). In argument, AZ has repeatedly relied on the sheer volume of documents produced as an accomplishment somehow justifying its shortcomings. In the context of this case, the Court is not impressed by the large number of relevant documents, especially since vast quantities were produced in a virtually unusable manner.

AZ contends that its production is not missing "a great deal of email" as alleged by Plaintiffs because it did not intentionally exclude emails (Doc. No. 278 at 9), but systematically collected electronic information on each cus-

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todian's computer, including emails. AZ admits that it did not search proxies for the custodians, in part because, it claims, the principal would have a carbon copy of any substantive email, sent by the proxy. This supposition was not verified by any witness.

The record shows a number of specific failings ^{FN9} in AZ's chosen efforts to meet its *662 discovery commitments. The key word search was plainly inadequate. Attachments, including non verbal files, were not provided. Relevant emails were omitted. AZ's deduplication method remains mysterious. Production was tardy. AZ's efforts in preventing and solving technical problems were woefully deficient. These shortcomings were adequately and persuasively described by Plaintiffs' witnesses.^{FN10} AZ's limited witness and arguments, to the extent they take issue with most of Plaintiffs' contentions, lacked foundation and completeness and were frequently off point.

^{FN9}. The full scope and ultimate impact of these shortcomings was not made clear by the testimony and likely will be the subject of further proceedings.

^{FN10}. AZ took great issue with the academic credentials of Plaintiffs' expert, John Martin. Any puffery in Mr. Martin's resume was tangential to the technical problems he identified in AZ's production. The time and effort expended in investigating and questioning Mr. Martin about his degree and speeches would have been better spent understanding and solving real issues. The Court is satisfied that Mr. Martin possesses sufficient expertise in electronic document production to provide useful testimony.

AZ purported to embrace the requirements of [Rule 26](#) and the Sedona Principles. However, the reality was to the contrary. For example, while key word searching is a recognized method to winnow relevant documents from large repositories, use of this technique must be a cooperative and informed process. Rather than working with Plaintiffs from the outset to reach agreement on appropriate and comprehensive search terms and methods, AZ undertook the task in secret. Common sense dictates that sampling and other quality assurance techniques must be employed to meet requirements of completeness. If AZ took such steps, it has not identified or validated them.

Many of the other technical problems identified by Mr. Martin and Mr. Jaffe likely could have been resolved

far sooner and less expensively had AZ cooperated by fostering consultation between the technical staffs responsible for production. Instead, AZ shielded its third party technical contractor ^{FN11} from all contact with Plaintiffs. This approach is antithetical to the Sedona Principles and is not an indicium of good faith.

^{FN11}. Notably, AZ conceded that its vendor's performance has been disappointing. The project manager was discharged earlier this year due to mistakes.

This is not to say that AZ completely ignored its responsibilities. Mr. Dupre and other representatives from his firm did participate in extended efforts to confer with Plaintiffs. However, the lateness and general ineffectuality of these efforts was demonstrated by Mr. Dupre's concessions as to the limitations of his role.^{FN12} Mr. Dupre admitted on cross-examination that he had nothing to do with developing the key word search in this case and had never prepared any other key word search before; he did not know who was the architect of the key word search. Despite this lack of knowledge, he was confident that he knew how the emails were collected. Mr. Dupre also had no knowledge of how the 80 "custodians" were chosen. In response to a query from the Court, Mr. Dupre could not identify with certainty who was responsible from AZ or its counsel or vendor for assuring document production had been sufficient to comply with the Local Rules and the Sedona Principles. In terms of the documentation about how the key word search was developed, Mr. Dupre testified that AZ used stock interview for "custodians"; but he was not privy to any sort of written protocol. He testified that there was no document production quality control or master plan with which he was familiar. He testified that the vendor never discussed the key word list with Plaintiff, and that vendors never participated in a meet and confer, although IT experts from lawyers attended the meet and confer.

^{FN12}. Mr. Dupre testified that his firm was not hired until late February 2007 or maybe the very beginning of March, at which time, three-quarters of a million documents had already been produced

The Court will not recite each of the technical problems described by the witnesses and the halting efforts to solve them. Suffice it for present purposes to observe that neither the method chosen by AZ nor the results it achieved in timely producing what was understood to be the great

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bulk of relevant material in a readily accessible form was satisfactory. The Court does not have confidence that AZ's production of custodial files *663 is complete, reliable or in proper technical format. This lack of confidence extends to the solution AZ submitted to Plaintiffs on July 20 (six days prior to the hearing).^{FN13}

^{FN13}. Plaintiffs were unable load this production; there was still no evidence of voice mails or faxes (other than two pages); there were no videos; no change tracking of documents; and they could not find documents by bates numbers. Although Mr. Jaffe had had hundreds of conferences with AZ representatives since November 15, 2006, AZ never discussed the key word search, and he only learned of the list AZ used in May 2007

AZ and its counsel had a responsibility at the outset of the litigation to "take affirmative steps to monitor compliance so that all sources of discoverable information are identified and searched." As Judge Sheindlin explained regarding the party and counsel's responsibilities in the much-cited Zubulake v. UBS Warburg LLC, 229 F.R.D. 422, 432 (S.D.N.Y.2004):

A party's discovery obligations do not end with the implementation of a "litigation hold"-to the contrary, that's only the beginning. Counsel must oversee compliance with the litigation hold, monitoring the party's efforts to retain and produce the relevant documents. Proper communication between a party and her lawyer will ensure (1) that all relevant information (or at least all sources of relevant information) is discovered, (2) that relevant information is retained on a continuing basis; and (3) that relevant non-privileged material is produced to the opposing party....

Once a "litigation hold" is in place, a party and her counsel must make certain that all sources of potentially relevant information are identified and placed "on hold," to the extent required in [Zubulake v. UBS Warburg LLC,] Zubulake IV, [220 F.R.D. 212 at 218 (S.D.N.Y.2003)]. To do this, counsel must become fully familiar with her client's document retention policies, as well as the client's data retention architecture. This will invariably involve speaking with information technology personnel, who can explain system-wide backup procedures and the actual (as opposed to theoretical) implementation of the firm's recycling policy. It will also involve communicating with the "key players" in the litigation, in order to understand how they stored in-

formation. In this case, for example, some [of defendant's] employees created separate computer files pertaining to [the plaintiff], while others printed out relevant e-mails and retained them in hard copy only. Unless counsel interviews each employee, it is impossible to determine whether all potential sources of information have been inspected. A brief conversation with counsel, for example, might have revealed that Tong maintained "archive" copies of e-mails concerning [the plaintiff], and that "archive" meant a separate on-line computer file, not a backup tape. Had that conversation taken place, [the plaintiff] might have had relevant e-mails from that file two years ago.

To the extent that it may not be feasible for counsel to speak with every key player, given the size of a company or the scope of the lawsuit, counsel must be more creative. It may be possible to run a system-wide *keyword search*; counsel could then preserve a copy of each "hit." Although this sounds burdensome, it need not be. Counsel does not have to review these documents, only see that they are retained. For example, counsel could create a broad list of search terms, run a search for a limited time frame, and then segregate responsive documents. When the opposing party propounds its document requests, the parties could negotiate a list of search terms to be used in identifying responsive documents, and counsel would only be obliged to review documents that came up as "hits" on the second, more restrictive search. The initial broad cut merely guarantees that relevant documents are not lost.

In short, it is not sufficient to notify all employees of a litigation hold and expect that the party will then retain and produce all relevant information.... Counsel must take affirmative steps to monitor compliance so that all sources of discoverable information are identified and searched. This is not to say that counsel will necessarily succeed in locating all such sources, or that the later discovery of new sources *664 is evidence of a lack of effort. But counsel and client must take some reasonable steps to see that sources of relevant information are located.

Zubulake v. UBS Warburg LLC, 229 F.R.D. 422, 432 (S.D.N.Y.2004).

Sanctions may be imposed against AZ under Rule 37(b)(2) based on its noncompliance with a court order, notwithstanding a lack of willfulness or bad faith, although such factors "are relevant ... to the sanction to be imposed

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for the failure.” 8A Charles Alan Wright, Arthur R. Miller & Richard L. Marcus, [FEDERAL PRACTICE & PROCEDURE § 2283](#), at 608 (2d ed.1994). Particularly in complex litigation, the rules and principles governing the imposition of sanctions in such litigation require special care because misconduct may have more severe consequences. [MANUAL FOR COMPLEX LITIGATION § 10.151 \(Fourth Edition 2004\)](#). “Sanctions proceedings can be disruptive, costly, and may create personal antagonism inimical to an atmosphere of cooperation. Moreover, a resort to sanctions may reflect a breakdown of case management.... On the other hand, *the stakes involved in and the pressures generated by complex litigation may lead some parties to violate the rules*. Although sanctions should not generally be a case management tool, a willingness to resort to sanctions, *sua sponte* if necessary, may ensure compliance with the management program.... Although sanctions should be a last resort, they are sometimes unavoidable and may be imposed for general or specific deterrence, to punish, or to remedy the consequences of misconduct.” *Id.*

Based on the testimony at the hearing, the Court is troubled by nature of the parties' efforts to “meet and confer” on specific issues. One of the apparently successful efforts to collaborate on discovery, which led to cancellation of the June hearing, was, to an unacceptable degree, illusory. AZ suspects that Plaintiffs have, to some degree, attempted to manufacture issues and to raise them just prior to scheduled status conferences so as to tarnish AZ in the eyes of the Court. This mistrust undermines the efficacy of the meet and confer requirement. AZ itself, despite what must be considerable expenditures in attempting to comply with discovery, has failed to bring appropriate personnel to the table at appropriate times to resolve non adversarial issues.

In this case, AZ never discussed with Plaintiffs which search terms to use as part of the search. There was no dialogue to discuss the search terms, as required by [Rules 26](#) and [34](#). AZ eventually disclosed in April 2007 that a key word search had been conducted, not in seeking collaboration on the words to use, but rather as part of the dialogue on certifying the “custodial” production. More astounding is AZ's continued failure to produce single-page TIFF documents that would be “usable” or “reasonably accessible” in accordance with the federal discovery rules and the Sedona Principles. AZ's interpretation of CMO 2, that it did not explicitly require page breaks, is absurd-Mr. Dupre could not explain any other way the documents would be guaranteed to appear as “single pages.” Mr. Dupre attri-

buted many of the severe problems with the load files and the metadata to vendor errors. According to the Sedona Principles [FN14](#), cited by AZ several times at the hearing, a party is responsible for the errors of its vendors. Moreover, such problems in fundamental aspects of the production, worked on by different vendors, were inevitable in a 10 million page without the requisite quality control oversight.

[FN14](#). “Ultimate responsibility for ensuring the preservation, collection, processing, and production of electronically stored information rests with the party and its counsel, not with the non-party consultant or vendor.” Sedona Principle 6.d.

CONCLUSION

[\[9\]](#) The Court finds that AZ has been “purposely sluggish” in making effective production to Plaintiffs. [FN15](#) Given the Court's mandate of a tight schedule in this case, AZ's various decisions and problems that resulted in this sluggishness appears to have benefitted*665 AZ by limiting the time available to Plaintiffs to review information and to follow up.

[FN15](#). A prime example is AZ's initial failure to implement Mr. Jaffe's February suggestion to insert page breaks-an idea Mr. Dupre called ingenious-until May 30, and not reproducing the documents with page breaks until July 20.

This inference is informed by observations from other cases. The Ninth Circuit held in considering the delay in another multi-district case:

Prejudice from unreasonable delay is presumed. [In re Eisen](#), 31 F.3d [1447] at 1452-53 [(1994)]. Failure to produce documents as ordered is sufficient prejudice, whether or not there is belated compliance. [Id.](#) at 1453 (taking action after the defendant's motion to dismiss was pending does not excuse taking no action before); [Payne v. Exxon Corp.](#), 121 F.3d 503, 508 (9th Cir.1997) (noting that last-minute tender of documents does not cure prejudice or restore other litigants on a crowded docket to the opportunity to use the courts); *see also* [Adriana \[International Corp. v. Thoenen\]](#), 913 F.2d [1406] at 1413 n. 6 [(9th Cir.1990)] (recognizing that refusal to produce evidence presumptively shows that an asserted claim or defense is meritless). The risk of prejudice is exacerbated where each delay potentially affects the discovery and remand schedule in hundreds of other cases.

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[In re Phenylpropanolamine \(PPA\) Products Liability Litigation](#), 460 F.3d 1217, 1236-37 (9th Cir.2006).

In a similar case in which the Second Circuit found that defendant's "purposeful sluggishness" would warrant the imposition of sanctions, the defendant had hindered discovery of relevant evidence, even though defendant did not cause its destruction or unavailability, where the reason defendant did not produce the e-mails was that it hired a vendor that was unable to retrieve them in a timely fashion. [Residential Funding Corp. v. DeGeorge Financial Corp.](#), 306 F.3d 99, 110 & n. 5 (2nd Cir.2002) (defendant's decision to use an outside vendor to retrieve the emails rather than turn over the back-up tapes "led to much of the delay"). As further potential evidence of the defendant's "purposeful sluggishness," the court cited the lack of an explanation as to why emails from the back-up tapes were produced for nine months of 1998, but not the last four months during the negotiations at issue in the case, and defendant's failure to explain its inability to retrieve the emails and why it failed to obtain outside assistance sooner. [Id.](#) at 111. Another factor the appellate court held was relevant for the trial court to consider was the reasonableness of defendant's continued reliance on the ineffective vendor "throughout months of apparently fruitless attempts to retrieve the critical e-mails, in light of [opposing party's] vendor to identify and begin to retrieve those e-mails in just four days." [Id.](#)

[A]s a discovery deadline or trial date draws near, discovery conduct that might have been considered "merely" discourteous at an earlier point in the litigation may well breach a party's duties to its opponent and to the court.... [When defendant] had repeatedly missed deadlines to produce the e-mails-[defendant] was under an obligation to be as co-operative as possible. Viewed in that light, [defendant's] "purposefully sluggish" acts-particularly its as-yet-unexplained refusal to answer basic technical questions about the tape until prompted to do so by the District Court-may well have constituted sanctionable misconduct in their own right.

[Id.](#) at 112.

Similarly, in this case, AZ has not been as cooperative as possible in resolving the custodial issues. It is undisputed that the production "completed" on June 30, 2007 had load file, metadata, page break and key word search problems, making the 10 million pages of documents un-accessible, unsearchable, and unusable as contemplated

under the Rules. It was not clear at the July 26 hearing, or even as of the date of this Order, that these profound technical issues have been resolved by the re-production efforts delivered to Plaintiffs on July 20, 2007. The Court finds that sanctions are warranted for AZ's failure to produce "usable" or "reasonably accessible" documents.

However, the Court is unable to determine the appropriate nature and amount of sanctions at this time. Plaintiffs will be allowed a further opportunity to present evidence and argument as to any prejudice or damages from AZ's failure timely to produce "usable" *666 or "reasonably accessible" documents in this litigation, including motion costs. The Court will confer with the parties at the next status conference regarding further proceedings in light of the findings herein.

DONE and ORDERED.

M.D.Fla.,2007.
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H [In re Seroquel Products Liability Litigation](#), 244 F.R.D. 650 (M.D.Fla.,Aug 21, 2007) (NO. 6:06MD1769 ORL22DAB)

History

Direct History

=> **1** [In re Seroquel Products Liability Litigation](#), 244 F.R.D. 650 (M.D.Fla. Aug 21, 2007) (NO. 6:06MD1769 ORL22DAB)

Related References

H **2** [In re Seroquel Products Liability Litigation](#), 447 F.Supp.2d 1376 (Jud.Pan.Mult.Lit. Jul 06, 2006) (NO. MDL-1769)

H **3** [In re Seroquel Products Liability Litigation](#), 2006 WL 3929707 (M.D.Fla. Dec 20, 2006) (NO. 6:06MD1769ORL22DAB)

Report and Recommendation Adopted by

H **4** [In re Seroquel Products Liability Litigation](#), 2007 WL 219989 (M.D.Fla. Jan 26, 2007) (NO. MDL 1769)

H **5** [In re Seroquel Products Liability Litigation](#), 2007 WL 737589 (M.D.Fla. Mar 07, 2007) (NO. 606MD-1769-ORL-22DAB)

H **6** [In re Seroquel Products Liability Litigation](#), 2007 WL 4117201 (M.D.Fla. Nov 06, 2007) (NO. 606MD-1769-ORL-22DAB)


H **7** [In re Seroquel Products Liability Litigation](#), 2007 WL 4287676 (M.D.Fla. Dec 06, 2007) (NO. 606MD1769ORL22DAB)

H **8** [In re Seroquel Products Liability Litigation](#), 2007 WL 4557212 (M.D.Fla. Dec 21, 2007) (NO. 606MD1769-ORL-22DAB)


- [H](#) [9](#) In re Seroquel Products Liability Litigation, 2008 WL 215707 (M.D.Fla. Jan 24, 2008) (NO. 606MD-1769ORL-22DAB)
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- [H](#) [10](#) In re Seroquel Products Liability Litigation, 2008 WL 591929 (M.D.Fla. Feb 28, 2008) (NO. 6:06MD1769 ORL22DAB)
- [H](#) [11](#) In re Seroquel Products Liability Litigation, 2008 WL 508391 (M.D.Fla. Feb 21, 2008) (NO. 606MD-1769-ORL-22DAB)
- [H](#) [12](#) In re Seroquel Products Liability Litigation, 2008 WL 508393 (M.D.Fla. Feb 21, 2008) (NO. 606MD-1769-ORL-22DAB)
- [H](#) [13](#) In re Seroquel Products Liability Litigation, 2008 WL 686951 (M.D.Fla. Mar 12, 2008) (NO. 606MD1769ORL22DAB)
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- [H](#) [15](#) In re Seroquel Products Liability Litigation, 2008 WL 821889 (M.D.Fla. Mar 21, 2008) (NO. 606MD-1769-ORL-22DAB)
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- [H](#) [19](#) In re Seroquel Products Liability Litigation, 2008 WL 1995058 (M.D.Fla. May 07, 2008) (NO. 606MD1769-ORL-22DAB)
- [H](#) [20](#) In re Seroquel Products Liability Litigation, 2008 WL 2557557 (M.D.Fla. Jun 23, 2008) (NO. 606-MD1769-ORL-22DAB)
- [H](#) [21](#) In re Seroquel Products Liability Litigation, 2009 WL 223140 (M.D.Fla. Jan 30, 2009) (NO. 6:06MD1769-ORL-22DAB)
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- [48](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2008 WL 7889806 (Expert Report and Affidavit) (M.D.Fla. Jul. 30, 2008) **Linda Whittington of Dr. Paul M. Deutsch, Ph.D., CRC, CCM, CLCP, FIALCP** (NO. 06MD01769)
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- [51](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2008 WL 5686237 (Expert Deposition) (M.D.Fla. Sep. 26, 2008) (**Deposition of William C. Wirshing, M.D.**) (NO. 606-MD-01769-ACC-DAB)
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- [60](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. All Cases., 2009 WL 6826191 (Expert Trial Transcript) (M.D.Fla. Jul. 28, 2009) (**Transcript of Dr. Lisa Rarick**) (NO. 606-MD-1769-ORL-22DA)
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- [66](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to: All Cases Listed on Exhibit "A", 2006 WL 5174786 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. 2006) **Plaintiffs' Response in Opposition to Astrazeneca's Motion for Partial Judgment on the Pleadings Regarding the Strict Liability "Design Defect" Claims and "Implied Warranty" Claims and Incorporate** (NO. 606-MDL-1769)
- [67](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Relates to: All Cases Potentially Subject to Dismissal with Prejudice Under Case Management Order No. 2., 2006 WL 5174787 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. 2006) **Plaintiffs' Response in Opposition to Astrazeneca's Motion Requesting Conversion to Dismissal with Prejudice for Failure to Serve Plaintiff Fact Sheet** (NO. 606-MD-1769-ORL-22DA)
- [68](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Relates to: All Cases., 2006 WL 5174788 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. 2006) **Plaintiffs' Motion and Combined Memorandum to Compel Production of the Macfadden Documents** (NO. 606-MD-1769-ORL-22DA)
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- [70](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Relates to: Plaintiffs Identified in Exhibit A., 2006 WL 5174792 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. 2006) **Plaintiffs' Response in Opposition to Astrazeneca's Motion Requesting Conversion to Dismissal with Prejudice for Failure to Serve Plaintiff Fact Sheets** (NO. 606-MD-1769-ORL-22DA)
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- [81](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2006 WL 6616711 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Dec. 6, 2006) **Plaintiffs' First Amended Motion for Entry of Order and to Compel Deposition and Brief in Support Thereof** (NO. 606-MD-1769-ACC-DAB)
- [82](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 4626116 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. 2007) **Plaintiff's Memorandum of Support for Motion for Voluntary Dismissal without Prejudice** (NO. 06MD01769)
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- [84](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Relates to: All Cases., 2007 WL 7238040 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 12, 2007) **MDL Plaintiffs' Objections to Magistrate's Report and Recommendation of December 22, 2006 and Supporting**

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- [87](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 7238045 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 26, 2007) **Plaintiffs' Motion for Adoption of a Schedule and Method of: Defendants' Document Production: Depositions of Defendants' Witnesses; Generally Applicable Expert Discovery; and Motions of General Applic** (NO. 606-MD-1769-ORL-22DA)
- [88](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 7261879 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 26, 2007) **Astrazeneca LP and Astrazeneca Pharmaceuticals LP's Motion and Supporting Memorandum to Establish Deadlines for Discovery and Dispositive Motions, and to Adopt an Expedited Discovery Program** (NO. 1769)
- [89](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 7238046 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 5, 2007) **MDL Liaison Counsel's Motion for Limitation on Plaintiffs' Case Specific Discovery, Combined Memorandum, Response to Defendants' Motion for Pilot Program, and Certification** (NO. 606-MD-1769-ORL-22DA)
- [90](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 7238048 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Apr. 10, 2007) **Plaintiffs' Motion for Adoption of CMO 4: Plaintiff Specific Discovery and Incorporated Memorandum of Law** (NO. 606-MDL-1769-ORL-22D)
- [91](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 7261880 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Apr. 26, 2007) **Plaintiffs' Motion for an Order: 1. Compelling Defendants to Provide Complete Certified Production of the First Eight Custodial Files and all Other Custodial Files Produced to Date; 2. Suspending the** (NO. 606-MD-1769-ORL-22DA)
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- [93](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Relates to: All Cases., 2007 WL 7238050 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. May 16, 2007) **Plaintiffs' Objections and Response to Defendants' Motion and Supporting Memorandum of Law Requesting Schedule for Case-Specific Discovery and Alternative Dispute Resolution** (NO. 606-MD-1769-ORL-22DA)
- [94](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 7238051 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun. 21, 2007) **MDL Plaintiffs' Combined Motion and Memorandum for Appointment of Kenneth Feinberg, Esq. as Special Master for Settlement and for the Establishment of an Alternative Dispute Resolution (ADR) Procedure** (NO. 606-MD-1769-ORL-22DA)
- [95](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 7238052 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun. 21, 2007) **MDL Plaintiffs' Combined Motion and Memorandum for Implementation of the Court Order of June 11, 2007 on Case Specific Discovery and Alternative Dispute Resolution** (NO. 606-MD-1769-ORL-22DA)

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- [97](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 7238054 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 2, 2007) **Astrazeneca's Opposition to Plaintiffs' Motion to Appoint Kenneth Feinberg as Special Settlement Master and to Establish an ADR Procedure** (NO. 606-MD-1769-ORL-22DA)
- [98](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 7238055 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 2, 2007) **Astrazeneca's Response to Plaintiffs' Request to Conduct Case-specific Discovery Beyond the Scope of the Court's June 11 Discovery Order** (NO. 606-MD-1769-ORL-22DA)
- [99](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases in Exhibit 1., 2007 WL 7261881 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 2, 2007) **Astrazeneca Defendants' Motion Requesting Dismissals without Prejudice for Failure to Serve Plaintiff Fact Sheets** (NO. 1769)
- [100](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 7238056 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 3, 2007) **MDL Plaintiffs' Opposition to Defendants' Combined Motion and Memorandum for Implementation of Case Specific Discovery** (NO. 606-MD-1769-ORL-22DA)
- [101](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 7261882 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 3, 2007) **Plaintiffs' Motion for Order Imposing Discovery Sanctions** (NO. 606-MD-1769-ACC-DAB)
- [102](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases in Exhibit 1., 2007 WL 4615885 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 6, 2007) **Astrazeneca Pharmaceuticals, LP's Motion Requesting Dismissals without Prejudice for Failure to Serve Plaintiff Fact Sheets** (NO. 1769)
- [103](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: all Cases in Exhibit 1., 2007 WL 4615886 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 6, 2007) **Astrazeneca Defendants' Motion Requesting Dismissals without Prejudice for Failure to Serve Medical Records Authorizations** (NO. 1769)
- [104](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: all Cases in Exhibit I., 2007 WL 4615888 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 23, 2007) **AstraZeneca Defendants' Motion Requesting Dismissals with Prejudice for Failure to Serve Medical Records Authorizations** (NO. 1769)
- [105](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 7238059 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 24, 2007) **Astrazeneca's Objection to the Court's Designation of the Brenda Echols Case** (NO. 606-MD-1769)
- [106](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: all Cases in Exhibit 1., 2007 WL 4615890 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 25, 2007) **AstraZeneca Defendants' Motion Requesting Dismissals with Prejudice for Failure to Serve Records Authorizations** (NO. 1769)
- [107](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION; Barnes, v. AstraZeneca Pharms. LP; Colman, v. AstraZeneca Pharms. LP; Donaldson, v. AstraZeneca Pharms. LP; Duncan, v. AstraZeneca Pharms. LP; Gordon, v. AstraZeneca Pharms. LP; Jackson, v. AstraZeneca Pharms. LP; Jensen, v. AstraZeneca Pharms. LP; Maki, 2007 WL 4615892 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 31, 2007) **Astrazeneca's Motion for Partial Judgment on the Pleadings on the Basis of Federal Preemption** (NO. 1769, 607-16752-ACC-DAB, 607-CV-16736-ACC-DA, 607-CV-16742-ACC-DAB, 607-CV-16751-ACC-DAB)

- [108](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION; This Document Relates to all Cases Listed on Exhibit A., 2007 WL 4615893 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 31, 2007) **Motion for Judgment on the Pleadings or, Alternatively, for Summary Judgment, as to all Claims Against Seven Improperly Named Defendants** (NO. 1769)
- [109](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION; This document relates to: all Cases in Exhibit 1., 2007 WL 4615894 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 31, 2007) **Astrazeneca Defendants' Motion Requesting Dismissals with Prejudice for Failure to Serve Records Authorizations** (NO. 1769)
- [110](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 4615895 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 31, 2007) **Astrazeneca Defendants' Motion Requesting Dismissals with Prejudice for Failure to Serve Verified Plaintiff Fact Sheets and Records Authorizations** (NO. 1769)
- [111](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 4615896 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 31, 2007) **Astrazeneca Defendants' Motion Requesting Dismissals with Prejudice for Failure to Serve Plaintiff Fact Sheets** (NO. 1769)
- [112](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 4615897 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 31, 2007) **Astrazeneca Defendants' Motion Requesting Dismissals with Prejudice for Failure to Serve Plaintiff Fact Sheets** (NO. 1769)
- [113](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 7238060 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug. 2, 2007) **Astrazeneca's Response to Order to Show Cause - Objections to Plaintiffs' Designation of Certain Cases** (NO. 606-MD-1769)
- [114](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 4615898 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug. 6, 2007) **Amended Motion for Judgment on the Pleadings or, Alternatively, for Summary Judgment, as to all Claims Against Seven Improperly Named Defendants** (NO. 1769)
- [115](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to: Barnes, v. AstraZeneca Pharms. LP; Colman, v. AstraZeneca Pharms. LP; Donaldson, v. AstraZeneca Pharms. LP; Duncan, v. AstraZeneca Pharms. LP; Gordon, v. AstraZeneca Pharms. LP; Jackson, v. AstraZeneca Pharms. LP; Jensen, v. Ast, 2007 WL 4615899 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug. 10, 2007) **Plaintiffs' Response in Opposition to Astrazeneca's Motion for Partial Judgment on the Pleadings on the Basis of Federal Preemption and Incorporated Memorandum of Law** (NO. 6, 606-MDL-1769-ACC-DAB, 607-CV-16742-ACC-DAB, 607-CV-16751-ACC-DAB)
- [116](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: Exhibit 1., 2007 WL 7261883 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug. 20, 2007) **Astrazeneca's Motion Requesting Conversion to Dismissal with Prejudice for Failure to Serve Plaintiff Fact Sheets** (NO. 1769)
- [117](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Relates to: All Cases., 2007 WL 7238062 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug. 22, 2007) **Plaintiffs' Response in Opposition to Astrazeneca's Motion for Entry of a Protective Order and Supporting Memorandum** (NO. 606-MD-1769-ORL-22DA)
- [118](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases in Exhibit 1., 2007 WL 7261884 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug. 27, 2007) **Astrazeneca's Motion Requesting Conversion to Dismissal with Prejudice for Failure to Serve Verified Plaintiff Fact Sheets and Records Authorizations** (NO. 1769)
- [119](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 7238066 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug. 31, 2007) **Defendants' Opposition to Plaintiffs' Motion for Entry of an Order Governing Third Party Discovery**

(NO. 606-MD-01769-ACC-DAB)

- [120](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Leases in Exhibit 1., 2007 WL 7261885 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug. 31, 2007) **AstraZeneca's Motion Requesting Conversion to Dismissal with Prejudice for Failure to Serve Plaintiff Fact Sheets** (NO. 1769)
- [121](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Document Relates to All Cases., 2007 WL 7238073 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep. 10, 2007) **Plaintiffs' Opposition to Defendants' Motion Regarding Appointment of a Neutral, Independent Technical Expert** (NO. 606-MD-01769-ACC-DAB)
- [122](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION; This Document Relates to All Cases in Exhibit ""A" to Document No. 328., 2007 WL 4615903 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep. 12, 2007) **Astrazeneca's Supplement Choice-of-Law Briefing in Support of Its Motion for Judgment on the Pleadings Regarding Certain Strict Liability ""Design Defect" and ""Implied Warranty" Claims** (NO. 1769)
- [123](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 4617792 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep. 18, 2007) **Parexel's Memorandum in Support of Its Motion for a Protective Order Regarding Plaintiffs' Subpoena Duces Tecum** (NO. 06MD01769)
- [124](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 4617793 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep. 18, 2007) **Parexel's Motion for a Protective Order Regarding Plaintiffs' Subpoena Duces Tecum** (NO. 06MD01769)
- [125](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to: All Cases Listed on Exhibit A to Defendants' Supplemental Briefing (Doc. 451)., 2007 WL 7238077 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep. 26, 2007) **Plaintiffs' Response to Astrazeneca's Supplemental Choice-of-Law Briefing in Support of its Motion for Partial Judgment On the Pleadings Regarding Certain Strict Liability Design Defect and Implied Wa** (NO. 606-MDL-1769)
- [126](#) In re: SUBPOENAS SERVED ON HARRIS INTERACTIVE, INC., Klemtner Advertising, Inc., Saatchi & Saatchi Healthcare, and Edelman. In re: Seroquel Products Liability Litigation. This Relates to: All Cases., 2007 WL 7238090 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep. 28, 2007) **Plaintiffs' Memorandum of Law in Support of Their Motion Requesting the Transfer of This Dispute Involving Nonparties, Harris Interactive, Inc., Klemtner Advertising, Inc., Saatchi & Saatchi Healthcar** (NO. 06MD01769)
- [127](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Relates to: All Cases., 2007 WL 4615921 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 5, 2007) **Memorandum of Law in Support of Non-Parties Klemtner Advertising, Inc. and Saatchi & Saatchi Healthcare's Motion to Quash and for a Protective Order and in Opposition to Plaintiffs' Motion Requesting** (NO. 1769)
- [128](#) In re: SUBPOENAS SERVED ON HARRIS INTERACTIVE, INC., Klemtner Advertising, Inc., Saatchi & Saatchi Healthcare, and Edelman, v. In re Seroquel Products Liability Litigation. This Relates to All Cases., 2007 WL 7238091 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 5, 2007) **Memorandum of Law of Non-Party Edelman, Inc. in Opposition to Plaintiffs' Motion to Compel and in Support of Its Motion to Quash the Subpoena Duces Tecum or, in the Alternative, for a Protective Order** (NO. 06MD01769)
- [129](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Relates to: All Cases., 2007 WL 4615918 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 9, 2007) **Plaintiffs' Motion for Transfer to Seroquel Products Liability Litigation Mdl Opposition to Parexel Mss Motion for Protective Order, Motion to Compel Nonparty Documents, and Incorporated Memorandum of** (NO. 1769)
- [130](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Document Relates to All Cases., 2007

WL 7238079 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 11, 2007) **Defendants' Opposition to Plaintiffs' Proposed Non-Party Agreement on Designation of Discovery Materials as Confidential** (NO. 606-MD-01769-ACC-DAB)

- [131](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases in Exhibit 1., 2007 WL 4615911 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 15, 2007) **Astrazeneca's Motion Requesting Dismissalwith Prejudice for Failure to Serve Plaintiff Fact Sheets** (NO. 1769)
- [132](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Barnes, v. AstraZeneca Pharms. LP; Colman, v. AstraZeneca Pharms. LP; Donaldson, v. AstraZeneca Pharms. LP; Duncan, v. AstraZeneca Pharms. LP; Gordon, v. AstraZeneca Pharms. LP; Jackson, v. AstraZeneca Pharms. LP; Jensen, v. AstraZeneca Pharms. LP; Maki, 2007 WL 4615912 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 17, 2007) **Astrazeneca's Response to Plaintiffs' Supplemental Briefing Regarding Astrazeneca's Motion for Judgment on the Pleadings on the Basis of Federal Preemption** (NO. 1769607-16752-ACC-DA, 607-CV-16736-ACC-DAB, 607-CV-16742-ACC-DAB, 607-CV-16751-ACC-DAB)
- [133](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 7261886 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 19, 2007) **MDL Plaintiffs' Motion and Combined Memorandum for an Order Deeming the Plaintiffs' Prior Motion for Sanctions as Having Been Filed in Certain Cases** (NO. 606-MD-1769-ORL-22DA)
- [134](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2007 WL 7238081 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 23, 2007) **Plaintiffs' Memorandum Regarding Scheduling and Scope of Future Discovery, Venue Over Florida Plaintiffs' Cases, and Alternative Dispute Resolution Pursuant to This Court's Order (Doc. 551)** (NO. 606-MDL-1769-ACC-DAB)
- [135](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 7261887 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 23, 2007) **Astrazeneca's Motion and Combined Memorandum Regarding the Scheduling and Scope of Future Discovery** (NO. 606-MD-1769)
- [136](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Document Relates to All Cases., 2007 WL 7238082 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 24, 2007) **Plaintiffs' Motion for Sanctions Due to Misconduct in Case-Specific Discovery** (NO. 606-MD-01769-ACC-DAB)
- [137](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 7238083 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 25, 2007) **Astrazeneca's Opposition to Plaintiffs' Motion and Combined Memorandum for an Order Deeming the Plaintiffs' Prior Motion for Sanctions as Having Been Filed in Certain Cases** (NO. 06MD01769)
- [138](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Deborah Elmore, v. AstraZeneca LP, et al.; Kimberly Linder, v. AstraZeneca LP, et al.; Debra Scott, v. AstraZeneca LP, et al.; Christine Hernandez, v. AstraZeneca LP, et al.; Sharon Fashner, v. AstraZeneca LP, et al.; Jesse Runner, v. AstraZeneca LP, et, 2007 WL 4615914 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 29, 2007) **Astrazeneca's Motion to Compel Plaintiffs to Produce Documents in Their Possession or Have Their Cases Dismissed with Prejudice** (NO. 07-CV-00357, 07-CV-10265, 07-CV-10424, 07-CV-12651, 07-CV-14238, 07-CV-15736, 07-CV-16085, 1769)
- [139](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases in Exhibit 1., 2007 WL 4615915 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 29, 2007) **Astrazeneca's Motion Requesting Dismissalwith Prejudice for Failure to Serve Plaintiff Fact Sheets** (NO. 1769)
- [140](#) In re SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to all Cases., 2007 WL 4615916 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 29, 2007) **Astraze-**

neca's Opposition to Plaintiffs' Motion for Protective Order Barring Defendants' Sales Representatives from Contact with Treating and Prescribing Physicians in Discovery Cases (NO. 606-MD-1769-ACC-DAB)

- [141](#) In re: SEROQUEL PRODUCTS MDL LIABILITY LITIGATION. This document relates to: All Cases., 2007 WL 7238085 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 29, 2007) **Plaintiffs' Response in Opposition to Astrazeneca's Motion and Combined Memorandum Regarding the Scheduling and Scope of Future Discovery** (NO. 606-MDL-1769-ACC-DAB)
- [142](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document relates to All Cases., 2007 WL 7261888 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 29, 2007) **Astrazeneca's Motion and Memorandum Seeking a Lone Pine Order Requiring Each Plaintiff to Produce a Case-Specific Expert Report on Injury and Causation** (NO. 6-06-MD-1769)
- [143](#) In Re: Seroquel Products Liability Litigation. Document Relates to all Cases., 2007 WL 4615917 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 30, 2007) **Plaintiffs' Motion to Compel Defendants' Responses to Requests for Production of Documents** (NO. 606-MD-01769-ACC-DAB)
- [144](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 7238086 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov. 5, 2007) **Astrazeneca's Opposition to Plaintiffs' Second Motion for Sanctions Due to Alleged Discovery Misconduct** (NO. 606MD01769)
- [145](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 7238087 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov. 7, 2007) **MDL Plaintiffs' Reply Brief Supporting Its Motion for an Order Deeming the Plaintiffs' Prior Motion for Sanctions as Having Been Filed in Certain Cases** (NO. 606-MD-1769-ORL-22DA)
- [146](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Deborah Elmore, v. AstraZeneca LP, et al.; Lisa Grant, v. AstraZeneca LP, et al.; Kimberly Linder, v. AstraZeneca LP, et al.; Debra Scott, v. AstraZeneca LP, et al.; Christine Hernandez, v. AstraZeneca LP, et al.; Sharon Fashner, v. AstraZeneca LP, et a, 2007 WL 7238088 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov. 9, 2007) **Certain Plaintiffs' Response in Opposition and Incorporated Memorandum to Astrazeneca's Motion to Compel Plaintiffs with Documents in Their Possession or Have Their Cases Dismissed with Prejudice** (NO. 07-CV-1, 07-CV-12145, 07-CV-12651, 07-CV-14238, 07-CV-15736, 07-CV-16085, 606-MDL-1769-ACC-DAB)
- [147](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2007 WL 7238089 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov. 9, 2007) **Plaintiffs' Response in Opposition and Incorporated Memorandum to Astrazeneca's Motion and Memorandum Seeking a Lone Pine Order Requiring Each Plaintiff to Produce a Case-Specific Expert Report on Inj** (NO. 606-MDL-1769-ACC-DAB)
- [148](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 4615920 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov. 12, 2007) **Astrazeneca's Opposition to Plaintiffs' Motion to Compel Defendants' Responses to Requests for Production of Documents** (NO. 606-MD-1769)
- [149](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 4615925 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov. 21, 2007) **MDL Plaintiffs' Motion and Combined Memorandum of Law to Compel Discovery of Documents Reviewed by Witnesses in Preparation for Depositions** (NO. 606-MD-1769-ORL-22DA)
- [150](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Relates to: All Cases., 2007 WL 7261890 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov. 27, 2007) **Harris Interactive's Supplemental Memorandum of Law in Opposition to Plaintiffs' Motion to Compel and in Support of Harris's Motion for a Protective Order** (NO. 1769)
- [151](#) In re SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases.,

- 2007 WL 4615928 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov. 30, 2007) **AstraZeneca's Opposition to MDL Plaintiffs' Motion and Combined Memorandum of Law to Compel Discovery of Documents Reviewed by Witnesses in Preparation for Depositions** (NO. 1769)
- [152](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 4615929 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Dec. 3, 2007) **Motion for Reconsideration and/or Clarification** (NO. 1769)
- [153](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2007 WL 4615934 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Dec. 14, 2007) **Astrazeneca's Motion to Compel Certain Florida Plaintiffs to Provide Full and Complete Answers to Plaintiff fact Sheet Questions** (NO. 1769)
- [154](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. All Unnamed Plaintiffs, v. ASTRA-ZENECA PHARMACEUTICALS, LP, Astrazeneca, LP, Astra USA, Inc., KBI Sub Inc. Astrazeneca, AB, Astrazeneca, PLC and Astrazeneca, UK Limited., 2007 WL 7238092 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Dec. 27, 2007) **Non-Party Zantaz, Inc.'s Notice of Motion and Motion to Quash Subpoenas or in the Alternative for a Protective Order; Memorandum of Points and Authorities in Support Thereof** (NO. 606-MD-1769-ACC-DAB)
- [155](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2007 WL 7238093 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Dec. 28, 2007) **Plaintiffs' Response in Opposition and Incorporated Memorandum of Law to Defendants' Motion and Memorandum of Law to Continue January 28, 2008 Evidentiary Hearing** (NO. 606-MDL-1769-ACC-DAB)
- [156](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to All Cases., 2008 WL 8048248 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 8, 2008) **Plaintiffs' Response in Opposition and Incorporated Memorandum to Astrazeneca's Motion to Maintain the Confidentiality of Certain Exhibits Cited at the Deposition of Denise Campbell** (NO. 606-MDL-1769-ACC-DAB)
- [157](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2008 WL 924887 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 10, 2008) **MDL Plaintiffs' Memorandum and Motion to Compel Astrazeneca to Produce Documents Improperly Designated as Privileged and Documents for Which Privilege Should Be Deemed Waived and for the Appointment o** (NO. 606-MD-1769-ORL-22DA)
- [158](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2008 WL 8048256 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 4, 2008) **Plaintiffs' Response in Opposition to Defendants' Second Motion to Compel Certain Florida Plaintiffs to Provide Full and Complete Answers to Fact Sheet Questions for Case Selection Purposes** (NO. 606-MDL-1769-ACC-DAB)
- [159](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2008 WL 924890 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 15, 2008) **Plaintiffs' Opposition to Astrazeneca's Appeal from, Objection to and Motion to Vacate Magistrate Judge's Order Granting Plaintiffs' Motion to Compel Re: Documents Reviewed by Witnesses in Preparation** (NO. 606-MDL-1769-ACC-DAB)
- [160](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2008 WL 8048259 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 21, 2008) **Plaintiffs' Second Motion to Compel Production of Documents from Non-Party Parexel MMS and Request for Emergency Hearing** (NO. 606MD-1769-ACC-DAB)
- [161](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Document Relates to All Cases., 2008 WL 924891 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 27, 2008) **Plaintiffs' Motion to Compel Identification and Production of ""Intermediate Data" from Astrazeneca's ""Gel" Database** (NO. 606-MD-01769-ACC-DAB)

- [162](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2008 WL 8048261 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 11, 2008) **Plaintiffs' Response and Combined Memorandum in Opposition to Defendants' Motion for Entry of Order Governing Permissible Contact and Retention of Certain Florida-Related Physicians as Defense Experts** (NO. 606-MDL-1769-ACC-DAB)
- [163](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2008 WL 8083453 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 20, 2008) **Supplement to Astrazeneca's Response to the March 11, 2008 Order Regarding Certain Privilege Log Entries** (NO. 1769)
- [164](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2008 WL 8048264 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 26, 2008) **Plaintiffs' Reply to Astrazeneca's Response to the March 11, 2008 Order Regarding Certain Privilege Log Entries** (NO. 606-MDL-1769-ACC-DAB)
- [165](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2008 WL 8083454 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Apr. 4, 2008) **Astrazeneca's Position Paper Concerning Identification and Production of Additional Gel Drafts** (NO. 1769)
- [166](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Document Relates to All Cases., 2008 WL 8048271 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Apr. 15, 2008) **Plaintiffs' Brief Re Preservation of Intermediate Data in Astrazeneca's Gel Database** (NO. 606-MD-01769-ACC-DAB)
- [167](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2008 WL 8048272 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Apr. 15, 2008) **Astrazeneca's Memorandum of Law Concerning Duty to Preserve Intermediate Data on the Gel Database** (NO. 606-MD-1769-ORL-22DA)
- [168](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2008 WL 8048274 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. May 9, 2008) **Plaintiffs' Response to Astrazeneca's Motion for An Order Directing Plaintiffs to Produce Zyprexa-Related Documents in Their Actual or Constructive Possession Within Eleven (11)Days** (NO. 606-MDL-1769-ACC-DAB)
- [169](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2008 WL 3047850 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun. 12, 2008) **Plaintiffs' Motion to Compel the Reconvening of the Deposition of Dr. Michael J. Reinstein and for Related Relief, and Motion for Oral Hearing** (NO. 606-MDL-1769-ACC-DAB)
- [170](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Relates to: the Initial Florida Trial Pool Cases., 2008 WL 8048230 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun. 20, 2008) **Plaintiffs' Brief on Replenishment and Trial Selection** (NO. 606-MDL-1769-ACC-DAB)
- [171](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2008 WL 3047851 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun. 23, 2008) **Astrazeneca's Opposition to Plaintiffs' Motion to Compel the Reconvening of the Deposition of Dr. Michael J. Reinstein and for Related Relief** (NO. 06MD01769)
- [172](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION; This document relates to: All Cases., 2008 WL 8048232 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun. 25, 2008) **Plaintiffs' Response to Astrazeneca's Motion to Amend Protective Order** (NO. 606-MDL-1769-ACC-DAB)
- [173](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION; This Relates to: All Cases., 2008 WL 8048233 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 7, 2008) **Plaintiffs' Response to Astrazeneca's Emergency Motion to Quash Plaintiffs' Untimely Rule 30(b)(6) Deposition Notice** (NO. 606-MDL-1769-ORL-22D)

- [174](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION; This document relates to: All Cases in Exhibit 1., 2008 WL 8048237 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug. 25, 2008) **Plaintiffs' Response in Opposition to Astrazeneca's Motion to Dismiss the Cases of Plaintiffs Who Have Failed to Serve Plaintiff Fact Sheets and Records Authorizations** (NO. 606-MDL-1769-ACC-DAB)
- [175](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION, This document relates to: All Cases., 2008 WL 4522181 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep. 10, 2008) **Emergency Second Motion to Compel the Deposition of Dr. Michael J. Reinstein** (NO. 606-MDL-1769-ACC-DAB)
- [176](#) IRONWORKERS LOCAL UNION NO. 68 & Participating Employers Health & Welfare Funds, et al., Plaintiffs, v. ASTRAZENECA PHARMACEUTICALS LP, et al., Defendants., 2008 WL 5973399 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 31, 2008) **Motion for Clarification and/or Reconsideration** (NO. 606-MD-1769-ORL-22DA, 607-CV-5000-ORL-22DA)
- [177](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2008 WL 8083450 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Dec. 3, 2008) **Plaintiffs' Response to the Court's Inquiries Set Forth in Its Order of December 3, 2008, Proposal for Live Expert Testimony, and Certification** (NO. 606-MD-1769-ORL-22DA)
- [178](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Haller, v. AstraZeneca Pharm., LP, et al., 2009 WL 319544 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 13, 2009) **Plaintiff's Motion in Limine to Exclude Evidence of Prior Criminal Acts, Arrests and Convictions, and Improper Character Evidence** (NO. 606-MDL-1769-ACC-DAB, 607-CV-15733)
- [179](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Trial Group One Cases., 2009 WL 6754385 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 13, 2009) **Plaintiffs' Motion and Incorporated Memorandum of Law in Support of Their Requested Aggravation of Preexisting Condition Instruction** (NO. 606-MDL-1769-ACC-DAB)
- [180](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Trial Group One Cases., 2009 WL 6754386 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 13, 2009) **Plaintiffs' Motion and Incorporated Memorandum of Law in Support of Their Requested Spoliation Instruction** (NO. 606-MDL-1769-ACC-DAB)
- [181](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Trial Group One Cases., 2009 WL 6754387 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 13, 2009) **Plaintiffs' Motion in Limine to Exclude Evidence and Argument Related to Certain Issues and/or Request for Limiting Instructions** (NO. 606-MDL-1769-ACC-DAB)
- [182](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: Trial Group One Plaintiffs., 2009 WL 6754401 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 13, 2009) **Plaintiffs' Combined Supplemental Memorandum in Response to Defendants' Daubert and Summary Judgment Motions, and Plaintiffs' Incorporated Rule 56(f) Motion for Continuance** (NO. 606-MDL-1769-ACC-DAB)
- [183](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Guinn, v. AstraZeneca Pharm., LP, et al., 2009 WL 247643 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 16, 2009) **Plaintiff's Summary of Objections to Defendant Astrazeneca's Exhibit List** (NO. 606-MDL-1769-ACC-DAB, 607-CV-10291)
- [184](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Haller, v. AstraZeneca Pharm., LP, et al., 2009 WL 319545 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 21, 2009) **Plaintiff's Response in Opposition to Astrazeneca's Motion in Limine to Exclude Evidence and Argument About Irrelevant Marketing Activities** (NO. 606-MDL-1769-ACC-DAB, 607-CV-15733)
- [185](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: Linda Guinn. Janice Burns. Richard Unger. Connie Curley. Linda Whittington. Eileen McAlexander. David Haller., 2009 WL 6754389 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 21, 2009) **Plaintiffs'**

Response in Opposition to Defendants' Motion in Limine to Exclude Evidence and Argument about the Zoladex Settlement (NO. 606-MDL-1769-ACC-DAB, 607-CV-10291, 607-CV-1047, 607-CV-15701, 607-CV-15812, 607-CV-15959)

- [186](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: Linda Guinn. Janice Burns. Richard Unger. Connie Curley. Linda Whittington. Eileen McAlexander. David Haller., 2009 WL 6754390 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 21, 2009) **Plaintiffs' Response in Opposition to Defendants' Motion in Limine to Exclude Evidence and Argument about the Alleged Risks of Seroquel Use in Pediatric and Geriatric Populations** (NO. 606-MDL-1769-ACC-DAB, 607-CV-10291, 607-CV-1047, 607-CV-15701, 607-CV-15812, 607-CV-15959)
- [187](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 6754391 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 21, 2009) **Plaintiffs' Response in Opposition to Astrazeneca's Motion in Limine to Exclude Evidence and Argument About Foreign Seroquel Labels and Foreign Regulatory Actions** (NO. 606-MDL-1769-ACC-DAB)
- [188](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 6754392 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 21, 2009) **Plaintiffs' Response in Opposition to Astrazeneca's Motion in Limine to Exclude Evidence and Argument About Doctor Macfadden's Personal Relationships** (NO. 606-MDL-1769-ACC-DAB)
- [189](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 6754393 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 21, 2009) **Plaintiffs' Response in Opposition to Astrazeneca's Motion in Limine to Exclude Evidence and Argument About Ghostwriting** (NO. 606-MDL-1769-ACC-DAB)
- [190](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 6754394 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 21, 2009) **Plaintiff's Response in Opposition to Astrazeneca's Motion in Limine to Exclude Evidence and Argument About Clinical Investigators' Misconduct** (NO. 606-MDL-1769-ACC-DAB)
- [191](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 6754395 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 21, 2009) **Plaintiffs' Response in Opposition to Astrazeneca's Motion in Limine to Exclude Evidence and Argument About 1998, 1999 and 2006 Letters from FDA's Division of Drug Marketing, Advertising, and Communic** (NO. 606-MDL-1769-ACC-DAB)
- [192](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 6754399 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 23, 2009) **Astrazeneca's Memorandum Regarding Its View as to How to Proceed with Alternative Dispute Resolution, Given the Present Posture of the Cases** (NO. 606-MD-1769-ORL-22DA)
- [193](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2009 WL 6754400 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 23, 2009) **Plaintiffs' Memorandum Regarding Their View as to How to Proceed with Alternative Dispute Resolution, Given the Present Posture of the Cases** (NO. 606-MDL-1769-ACC-DAB)
- [194](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2009 WL 6826197 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 2, 2009) **Plaintiffs' Response in Opposition to Astrazeneca's Motion to Maintain the Confidentiality of Certain Challenged Documents Filed Under Seal as Exhibits to Plaintiffs' Motion Responses (Doc. 1222)** (NO. 606-MDL-1769-ACC-DAB)
- [195](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 6754402 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 13, 2009) **Astrazeneca's Motion to Compel Discovery Deposition of Plaintiffs' Expert Donna Arnett, Ph.D.** (NO. 06MD01769)
- [196](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2009 WL 6754403 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 13, 2009) **Motion of**

Bloomberg L.P. to Intervene to Seek Access to Judicial Records and Memorandum of Law (NO. 06-MD-1769)

- [197](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: Trial Group One Cases., 2009 WL 6826200 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 13, 2009) **Plaintiffs' Motion to Reconsider Order (Doc. 1253)** (NO. 606-MDL-1769-ACC-DAB)
- [198](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Trial Group One Cases., 2009 WL 6826201 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 17, 2009) **Plaintiffs' Response in Opposition to Astrazeneca's Motion to Take the Deposition of Dr. Joseph Glenmullen** (NO. 606-MDL-1769-ACC-DAB)
- [199](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Linda Guinn, v. AstraZeneca Pharm. LP, et al.; Janice Burns, v. AstraZeneca Pharm. LP, et al.; Richard Unger, v. AstraZeneca Pharm. LP, et al.; Connie Curley, v. AstraZeneca Pharm. LP, et al.; Linda Whittington, v. AstraZeneca Pharm. LP, et al.; Eileen, 2009 WL 6754409 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 5, 2009) **Plaintiffs' Response in Opposition and Supporting Memorandum of Law to Astrazeneca's Motion to Exclude Non-Causation Expert** (NO. 606-MDL-1769-ACC-DAB, 607-CV-10291, 607-CV-1047, 607-CV-15701, 607-CV-15812, 607-CV-15959)
- [200](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Linda Guinn. Janice Burns. Richard Unger. Connie Curley. Linda Whittington. Eileen McAlexander. David Haller., 2009 WL 6754410 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 5, 2009) **Plaintiffs' Omnibus Legal Memorandum Responding in Opposition to Astrazeneca's Summary Judgment Motions in the Florida Trial Pool Group One Cases** (NO. 606-MDL-1769-ACC-DAB, 607-CV-10291, 607-CV-1047, 607-CV-15701, 607-CV-15812, 607-CV-15959)
- [201](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 3874290 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 6, 2009) **Astrazeneca's Motion and Supporting Memorandum Under Daubert and Federal Rules of Evidence 702, 401 and 403 to Exclude or Limit Testimony of Paul Deutsch and Frederick Raffa** (NO. 606MD01769)
- [202](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 3874291 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 6, 2009) **Astrazeneca's Motion to Exclude the Specific-Causation Testimony of Plaintiffs' Case-Specific Causation Witnesses and Supporting Memorandum of Law** (NO. 606MD01769)
- [203](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Linda Guinn, v. AstraZeneca Pharms. LP; Janice Burns, v. AstraZeneca Pharms. LP; Richard Unger, v. AstraZeneca Pharms. LP; Connie Curley, v. AstraZeneca Pharms. LP; Linda Whittington, v. AstraZeneca Pharms. LP; Eileen McAlexander, v. AstraZeneca Pharms., 2009 WL 6754411 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 6, 2009) **Plaintiffs' Response in Opposition to Astrazeneca's Motion to Exclude the Specific-Causation Testimony of Plaintiffs' Case-Specific Causation Witnesses and Supporting Memorandum of Law** (NO. 606-MDL-1769-ACC-DAB, 607-CV-10291, 607-CV-1047, 607-CV-15701, 607-CV-15812, 607-CV-15959)
- [204](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: Janice Burns Richard Unger Connie Curley Linda Whittington Eileen McAlexander., 2009 WL 6826204 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 6, 2009) **Plaintiffs' Supplemental Response in Opposition to Astrazeneca's Motion to Exclude Testimony of Plaintiffs' Generic and Case Specific Witnesses** (NO. 606-MDL-1769-ACC-DAB, 607-CV-1036, 607-CV-10475, 607-CV-15701, 607-CV-15812, 607-CV-15959)
- [205](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 3874292 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 9, 2009) **Plaintiffs' Memorandum of Law in Opposition to Astrazeneca's Motion to Exclude the General Causation Testimony of Plaintiffs' Generic and Case-Specific Witnesses** (NO. 606MD01769)
- [206](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to: All Cases.,

- 2009 WL 6826206 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 16, 2009) **Astrazeneca's Submission on the Future of the MDL** (NO. 1769)
- [207](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2009 WL 6826207 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 16, 2009) **Plaintiffs' Memorandum in Support of Remand of Transferred Cases to the Transferor Courts** (NO. 606-MDL-1769-ACC-DAB)
- [208](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 6826208 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 23, 2009) **Astrazeneca's Motion to Set Oral Argument on Federal Preemption for a Date on or After April 14, 2009** (NO. 1769)
- [209](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2009 WL 6754414 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 31, 2009) **Plaintiffs' Response in Opposition to Astrazeneca's Submission on the Future of the MDL** (NO. 606-MDL-1769-ACC-DAB)
- [210](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2009 WL 6754416 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar. 31, 2009) **Plaintiffs' Response Brief in Opposition to Astrazeneca's Brief in Support of Partial Summary Judgment in All MDL Cases Based on Federal Preemption** (NO. 606-MDL-1769-ACC-DAB)
- [211](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2009 WL 6826212 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. May 7, 2009) **Astrazeneca's Motion to Strike Plaintiffs' Renewed Motion to De-designate Documents Improperly Claimed as Privileged or, in the Alternative, for an Enlargement of time to Respond** (NO. 606-MD-1769-ACC-DAB)
- [212](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2009 WL 6826214 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. May 19, 2009) **Plaintiffs' Response to Astrazeneca's Motion to Strike Plaintiffs' Renewed Privilege Motion to De-Designate Documents Improperly Claimed as Privileged or, in the Alternative, for an Enlargement of tim** (NO. 606-MDL-1769-ACC-DAB)
- [213](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2009 WL 6826215 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun. 3, 2009) **Bloomberg L.P.'s Submission Regarding Outstanding Document Confidentiality Issues** (NO. 06-MD-1769)
- [214](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. All Cases in Exhibit 1., 2009 WL 6826216 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun. 3, 2009) **Astrazeneca's Motion to Dismiss Cases of Plaintiffs Who Have Failed to Serve Verified Plaintiff Fact Sheets and Records Authorizations** (NO. 1769)
- [215](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2009 WL 6826217 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun. 9, 2009) **Plaintiffs' Response in Opposition to Astrazeneca's Motion for Clarification of the Court's May 1, 2009 Order** (NO. 606-MDL-1769-ACC-DAB)
- [216](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2009 WL 6826219 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 10, 2009) **Astrazeneca's Unopposed Motion to Set Schedule and Procedures for Live Testimony** (NO. 1769)
- [217](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases in Exhibit 1., 2009 WL 6826221 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 24, 2009) **Astrazeneca's Motion to Dismiss Cases of Plaintiffs Who Have Failed to Serve Verified Plaintiff Fact Sheets and Records Authorizations** (NO. 1769)
- [218](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2009 WL 6826223 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep. 2, 2009) **Astrazeneca's Response and Opposition to Bloomberg's Objection to Judge Baker's Order Regarding Redactions to Call Notes** (NO. 1769)

- [219](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Wendy Bloome, a/n/f B.L., a minor, v. AstraZeneca LP, et al., 2009 WL 6754421 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep. 21, 2009) **Plaintiff's Response in Opposition to Astrazeneca's Motion and Memorandum of Law to Dismiss Claims of Non-Diverse Plaintiffs** (NO. 606-MDL-1769-ACC-DAB, 607-CV-12090)
- [220](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2009 WL 6826225 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct. 12, 2009) **Astrazeneca's Motion Requesting a Status Conference on Remand Issues** (NO. 1769)
- [221](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2009 WL 6754424 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov. 6, 2009) **Plaintiffs' Response in Opposition to Astrazeneca's Motion and Memorandum of Law Proposing a Plan for Remand** (NO. 606-MDL-1769-ACC-DAB)
- [222](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to (All Cases),. 2009 WL 6826228 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov. 13, 2009) **Emergency Motion Requesting that the Preservation Deposition of Dr. Paul Woolf be Videotaped on November 19, 2009 for Rulings By Respective Judges for Upcoming Trials and Remand** (NO. 606-MD-01769-ACC-DAB)
- [223](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases., 2009 WL 6826229 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov. 16, 2009) **Defendants' Memorandum in Opposition to Plaintiffs' Emergency Motion to Substitute Deposition of Dr. Paul Woolf for Scheduled Live Testimony Before the Court** (NO. 606-MD-1769-ACC-DAB)
- [224](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 6826230 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov. 23, 2009) **Plaintiffs' Liaison Counsel's Response to Rule to Show Cause Order Dated November 17 2009 and Amended Order of November 18, 2009** (NO. 606-MD-1769-ORL-22DA)
- [225](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: Carol Bradley, Stephanie Lash, Annie MacKenzie, JoEllen Pierson, Anita Thomas., 2010 WL 3500132 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 8, 2010) **Plaintiffs' Response to Order to Show Cause** (NO. 606-MDL-1769-ACC-DAB, 607-CV-11358, 607-CV-11731, 607-CV-15258, 607-CV-1541, 607-CV-15931)
- [226](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to: Margaret Shearman, v. Astrazeneca Pharm. LP, et al; Ronald Drummond, v. Astrazeneca Pharm. LP; Lorier Ashburn, v. Astrazeneca Pharm. LP; Karl Foley, v. Astrazeneca Pharm. LP; Annie Mackenzie, v. Astrazeneca Pharm. LP, et al.; S, 2010 WL 3500133 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 18, 2010) **Response to Order to Show Cause** (NO. 1769, 606-CV-1289-ORL-22DA, 607-CV-10028-ORL-22D, 607-CV-10115-ORL-22D, 607-CV-10135-O)
- [227](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to: Victoria Amirault, v. AstraZeneca Pharm., LP, et al.; Christal Anderson, v. AstraZeneca Pharm., LP, et al.; Kim M. Clark, v. AstraZeneca Pharm., LP, et al.; Victoria Turner, v. AstraZeneca Pharm., LP, et al.; Gregorio Valadez,, 2010 WL 3500135 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan. 22, 2010) **Motion and Supporting Memorandum to Return to the Trial Group the 19 Plaintiffs Who Voluntarily Dismissed Their Cases But then Re-Filed in Another Court** (NO. 1769, 610-CV-00011, 610-CV-00012, 610-CV-00013, 610-CV-00014, 610-CV-00015, 610-CV-00016)
- [228](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2010 WL 3500138 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 16, 2010) **Astrazeneca's Motion to Set Status Conference to Discuss Future Transfers Into The Mdl, and Incorporated Supporting Memorandum** (NO. 1769)
- [229](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Non-Eleventh Circuit Trial Group Mdl Cases., 2010 WL 3500140 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb. 16, 2010) **Non-Eleventh Circuit Trial Group MDL Plaintiffs' Submis-**

sion Regarding Court's Suggestion of Special Trial on Issue of Federal Preemption (Order Doc. No. 1599) (NO. 606-MDL-1769-ACC-DAB)

- [230](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2010 WL 3500143 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Apr. 7, 2010) **Astrazeneca's Response to Plaintiffs' Notice Regarding the Mediator's Status Report of April 2, 2010** (NO. 1769)
- [231](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to: All Cases in Exhibit A., 2010 WL 3500144 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Apr. 8, 2010) **Motion for Relief from Order and Incorporated Memorandum** (NO. 1769)
- [232](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Non-Eleventh Circuit Trial Group MDL Plaintiffs' Cases., 2010 WL 3500146 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Apr. 20, 2010) **MDL Plaintiffs' Opposed Motion and Incorporated Memorandum Regarding the Court's Suggestion of Remand** (NO. 06-MDL-1769-ACC-DAB)
- [233](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Janice Burns. Richard Unger. Connie Curley. Linda Whittington. Eileen McAlexander., 2010 WL 3500147 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. May 11, 2010) **Astrazeneca's Response to Plaintiffs' Motion for Clarification of Court's March 4, 2009 Order (MDL Doc No. 1331)** (NO. 1769, 607-CV-10360, 607-CV-10475, 607-CV-15701, 607-CV-15812, 607-CV-15959)
- [234](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2010 WL 3198719 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul. 27, 2010) **Plaintiffs' Liaison Counsel's Motion and Combined Memorandum for Determination and Appropriateness of Attorneys' Fees on Certain MDL Settlements and Certification** (NO. 606-MD-1769-ORL-22DA)
- [235](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2010 WL 3500151 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug. 13, 2010) **Plaintiffs' Liaison Counsel's Motion To Compel Disclosure of MDL Cases Being Settled, Establishment of Procedure for Liaison Counsel Fees to be Paid from Settlements and/or Common Fund Benefits, and C** (NO. 606-MD-1769-ORL-22DA)
- [236](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2010 WL 3500153 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug. 16, 2010) **Astrazeneca's Opposition to Liaison Counsel's Motion with Respect to his Fee Dispute with Other MDL Plaintiffs' Counsel** (NO. 606-MD-1769-ORL-22DA)
- [237](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This document relates to: All Cases in Exhibit 1., 2010 WL 3500154 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep. 7, 2010) **Astrazeneca's Motion to Dismiss Cases of Plaintiffs who Have Failed to Verify Updated Plaintiff Fact Sheets** (NO. 1769)

M.D.Fla. Expert Resumes

- [238](#) Dr. Israel Jack Abramson, M.D., curriculum vitae filed in IN RE: SEROQUEL PRODUCTS LIABILITY LITIGATION, 2008 WL 6862505 (Court-filed Expert Resume) (M.D.Fla. Apr. 12, 2008) **Expert Resume of I. Jack Abramson** (NO. 606MD01769)
- [239](#) Dr. Jennifer B. Marks, M.D., curriculum vitae filed in IN RE: SEROQUEL PRODUCTS LIABILITY LITIGATION, 2008 WL 6889088 (Court-filed Expert Resume) (M.D.Fla. Jun. 1, 2008) **Expert Resume of Jennifer B. Marks** (NO. 606MD01769)
- [240](#) Dr. Bruce D. Perry, M.D., Ph.D., curriculum vitae filed in SEROQUEL PRODUCTS LIABILITY LITIGATION, 2008 WL 6889087 (Court-filed Expert Resume) (M.D.Fla. Sep. 8, 2008) **Expert Resume of Bruce Duncan Perry** (NO. 606M01769)

- [241](#) Dr. Paul M. Deutsch, Ph.D., C.R.C., C.C.M., curriculum vitae filed in IN RE: SEROQUEL PRODUCTS LIABILITY LITIGATION, 2008 WL 6889089 (Court-filed Expert Resume) (M.D.Fla. Nov. 21, 2008) **Expert Resume of Paul M. Deutsch** (NO. 606MD01769)
- [242](#) Dr. Laura M. Plunkett, Ph.D., B.S., D.A.B.T., curriculum vitae filed in IN RE: SEROQUEL PRODUCTS LIABILITY LITIGATION, 2009 WL 3074693 (Court-filed Expert Resume) (M.D.Fla. Jan. 8, 2009) **Expert Resume of Laura M. Plunkett** (NO. 606MD01769)
- [243](#) Dr. Donna K. Arnett, Ph.D., M.S.P.H., curriculum vitae filed in IN RE: SEROQUEL PRODUCTS LIABILITY LITIGATION, 2009 WL 3074694 (Court-filed Expert Resume) (M.D.Fla. Feb. 27, 2009) **Expert Resume of Donna K. Arnett** (NO. 606MD01769)
- [244](#) Dr. Brian R. Tulloch, M.D., curriculum vitae filed in IN RE: SEROQUEL PRODUCTS LIABILITY LITIGATION, 2009 WL 3148632 (Court-filed Expert Resume) (M.D.Fla. Feb. 27, 2009) **Expert Resume of Brian R. Tulloch** (NO. 606MD017691317-10)
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- [249](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION MDL DOCKET NO. 1769, ALL CASES., 2008 WL 5739378 (Trial Transcript) (M.D.Fla. Jun. 24, 2008) **Hearing on Defendant AstraZeneca's Motion to Dismiss** (NO. 06MD01769)
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- [254](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2008 WL 8083451 (Trial Transcript) (M.D.Fla. Dec. 8, 2008) **Transcript of Daubert Motion** (NO. 606-MD-1769-ORL-22DA)
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- [256](#) In re: THE SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 6826195 (Trial Transcript) (M.D.Fla. Jan. 21, 2009) **Transcript of Daubert Motion** (NO. 606-MD-1769)
- [257](#) In re: THE SEROQUEL PRODUCTS LIABILITY LITIGATION., 2009 WL 6826196 (Trial Transcript) (M.D.Fla. Jan. 26, 2009) **Transcript of Pretrial Conference** (NO. 606-MD-1769)
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- [264](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2006 WL 5174799 (Trial Filing) (M.D.Fla. Dec. 6, 2006) **Defendant Astrazeneca's Statement of Issues for Consideration During December 11, 2006 Status Conference** (NO. 1769)
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- [266](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to all Cases., 2007 WL 4615880 (Trial Filing) (M.D.Fla. Apr. 6, 2007) **Joint Status Report, Agenda, and Motion to Allow Electronic Equipment** (NO. 1769)
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- [273](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 4615910 (Trial Filing) (M.D.Fla. Oct. 15, 2007) **Report of the Special Master and Project Management Office for Case-Specific Discovery** (NO. 606-MD-1769-ORL-22DA)

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- [279](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2007 WL 4615926 (Trial Filing) (M.D.Fla. Nov. 27, 2007) **Plaintiffs' Report on Status or Negotiations with Nonparties Edelman, Inc., Saatchi & Saatchi Healthcare and Klemtner Advertising, Inc.** (NO. 606-MD-01769-ACC-DAB)
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- [282](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2007 WL 4615931 (Trial Filing) (M.D.Fla. Dec. 13, 2007) **Joint Status Report, Agenda, and Motion to Allow Electronic Equipment** (NO. 1769)
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- [292](#) In re: SEROQUEL MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION., 2008 WL 8048255 (Trial Filing) (M.D.Fla. Jan. 25, 2008) **Joint Initial Status Report** (NO. 606-MD-1769-ORL-22DA)
- [293](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2008 WL 8048257 (Trial Filing) (M.D.Fla. Feb. 15, 2008) **Report of the Special Master and Project Management Office for Case-Specific Discovery** (NO. 606-MD-1769-ORL-22DA)
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- [296](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2008 WL 8083455 (Trial Filing) (M.D.Fla. Apr. 14, 2008) **Joint Proposal for Completion of Physician Depositions in Florida Discovery Pool Cases** (NO. 606-MD-1769-ORL-22DA)
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- [303](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2008 WL 8048241 (Trial Filing) (M.D.Fla. Oct. 15, 2008) **Report of the Special Master and Project Management Office for Case-Specific Discovery** (NO. 606-MD-1769-ORL-22DA)

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- [309](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Document Relates to All Cases., 2009 WL 6826233 (Trial Filing) (M.D.Fla. Apr. 4, 2009) **Supplemental Statement in Support of Plaintiffs' Motion to Compel Identification and Production of Intermediate Data from Astrazeneca's Gel Database** (NO. 606-MD-01769-ACC-DAB)
- [310](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2009 WL 6826210 (Trial Filing) (M.D.Fla. Apr. 15, 2009) **Report of the Special Master and Project Management Office for Case-specific Discovery** (NO. 606-MD-1769-ORL-22DA)
- [311](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2009 WL 6826213 (Trial Filing) (M.D.Fla. May 15, 2009) **Report of the Special Master and Project Management Office for Case-Specific Discovery** (NO. 606-MD-1769-ORL-22DA)
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- [314](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to All Cases., 2009 WL 6826222 (Trial Filing) (M.D.Fla. Aug. 12, 2009) **Report of the Special Master and Project Management Office for Case-Specific Discovery** (NO. 606-MD-1769-ORL-22DA)
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- [329](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Relates to: All Cases., 2007 WL 4615900 (Verdict, Agreement and Settlement) (M.D.Fla. Aug. 10, 2007) **Plaintiffs' and Defendants' Stipulation of Dismissal as to Seven Named Defendants** (NO. 606-MD-1769-ORL-22DA)
- [330](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION. Document Relates to all Cases., 2007 WL 4615909 (Verdict, Agreement and Settlement) (M.D.Fla. Oct. 9, 2007) **Stipulation Regarding Defendants' Objections to Plaintiffs' Subpoenas Duces Tecum Requesting the Production of Documents and Notices of Depositions Upon Written Questions** (NO. 606-MD-01769-ACC-DAB)
- [331](#) In re: SEROQUEL PRODUCTS LIABILITY LITIGATION. This Document Relates to: All 30 Initial Trial Pool Cases., 2008 WL 8083447 (Verdict, Agreement and Settlement) (M.D.Fla. Sep. 22, 2008) **Stipulation Regarding Dismissal with Prejudice of initial Trial Pool Plaintiffs' Claims for Breach of Express and Implied Warranty under Florida Law and Motion for Entry of Proposed Order** (NO. 1769)

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- [333](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2006 WL 6193125 (Expert Report and Affidavit) (M.D.Fla. 2006) **Expert Report of Donna K. Arnett, Ph.D.** (NO. 06MD01769)
- [334](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2006 WL 6193126 (Expert Report and Affidavit) (M.D.Fla. 2006) **Expert Report of Donna K. Arnett, Ph.D.** (NO. 06MD01769)
- [335](#) In Re: SEROQUEL PRODUCTS LIABILITY LITIGATION., 2006 WL 6198941 (Expert Report and Affidavit) (M.D.Fla. 2006) **(Report or Affidavit of William C. Wirshing, M.D.)** (NO. 06-MD-01769-ACC-DAB)
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- [169](#) CRANBROOK INSURANCE COMPANY, f/k/a Victoria Insurance Company, Plaintiff, v. OCEAN PALMS BEACH CLUB, INC., Helping Hand Private Foundation, Inc., and Boardman Property Development Company, LLC, Defendants., 2010 WL 2067513, *2067513+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Apr 07, 2010) **Plaintiff's Motion for Final Judgment or Other Sanctions and Incorporated Memorandum of Law** (NO. 609-CV-1032-ORL-31DA) " ★ ★ ★ **HN: 1,3 (F.R.D.)**
- [170](#) Tampa Bay WATER, A Regional Water Supply Authority, Plaintiff, v. HDR ENGINEERING, INC., a Nebraska corporation, Construction Dynamics Group, Inc., a Maryland corporation, Barnard Con-

- struction Company, Inc., a Montana corporation, ST. Paul Fire and Marine Insurance Company, A Minnesota corporation, Defendants. Barnard Construction Company, Inc., a Montana corporation, Third Party Plaintiff, v. McDonald Construction Corporation, a Florida, 2010 WL 2058859, *2058859 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar 04, 2010) **Defendant, Barnard Construction Company, Inc.'s Partial Joinder in Hdr Engineering, Inc.'s Motion for Protective Order and Barnard Construction Company, Inc.'s Motion to Fix Date for Production of ...** (NO. 808-CV-2446-T27-TBM) ★ ★
- [171](#) Tampa Bay WATER, A Regional Water Supply Authority, Plaintiff, v. HDR ENGINEERING, INC., a Nebraska corporation, Construction Dynamics Group, Inc., a Maryland corporation, Barnard Construction Company, Inc., a Montana corporation, ST. Paul Fire and Marine Insurance Company, A Minnesota corporation, Defendants. Barnard Construction Company, Inc., a Montana corporation, Third Party Plaintiff, v. McDonald Construction Corporation, a Florida, 2010 WL 2058858, *2058858 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar 03, 2010) **Defendant, Barnard Construction Company, Inc.'s Partial Joinder in Hdr Engineering, Inc.'s Motion for Protective Order and Barnard Construction Company, Inc.'s Motion to Fix Date for Production of ...** (NO. 808-CV-2446-T27-TBM) ★ ★
- [172](#) CRANBROOK INSURANCE COMPANY, f/k/a Victoria Insurance Company, Plaintiff, v. OCEAN PALMS BEACH CLUB, INC., Helping Hand Private Foundation, Inc., and Boardman Property Development Company, LLC, Defendants., 2010 WL 2067512, *2067512+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Mar 03, 2010) **Plaintiff's Motion for Sanctions for Failure to Comply with a Discovery Order against Defendant Ocean Palms Beach Club, Inc.** (NO. 609-CV-1032-ORL-31DA) " ★ ★ ★ **HN: 1,3 (F.R.D.)**
- [173](#) Robert T. BASSLER, Jr., Plaintiff, v. GEORGE WESTON BAKERIES DISTRIBUTION INC., a foreign corporation, Defendant., 2009 WL 4946907, *4946907 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct 20, 2009) **Defendant's Motion for Second Protective Order and for Discovery Sanctions** (NO. 308-CV-595-J-32JRK) " ★ ★ **HN: 3 (F.R.D.)**
- [174](#) THE VARIABLE ANNUITY LIFE INSURANCE COMPANY (VALIC), a corporation authorized to do business in the State of Florida, Plaintiff, v. Rudolf L. MOLNAR, Defendant., 2009 WL 4971336, *4971336 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Oct 13, 2009) **Defendant's Response to Motion to Compel** (NO. 609-CV-741-JA-GJK) ★ ★ **HN: 9 (F.R.D.)**
- [175](#) GENTEK, INC., a Florida corporation, Plaintiff, v. TDK-LAMBDA AMERICAS, INC., f/k/a Lambda Americas, Inc., f/k/a Electronic Measurements, Inc., a foreign corporation, Defendant., 2009 WL 3361977, *3361977 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep 28, 2009) **Plaintiff's Motion for Sanctions and Incorporated Memorandum of Law** (NO. 808CV02315) ★ ★ **HN: 1,3 (F.R.D.)**
- [176](#) BRAY & GILLESPIE MANAGEMENT, LLC, et al., Plaintiffs, v. LEXINGTON INSURANCE COMPANY, a Delaware Corporation, Defendant., 2009 WL 3100283, *3100283 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep 22, 2009) **Lexington's Response to Objections to the August 3, 2009 Report and Recommendation of Dismissal with Prejudice (DE 578)** (NO. 607-CV-222-ORL-35KRS) " ★ ★
- [177](#) BRAY & GILLESPIE MANAGEMENT LLC, et al., Plaintiffs, v. LEXINGTON INSURANCE COMPANY, et al., Defendants., 2009 WL 2912732, *2912732+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep 09, 2009) **Objections to Magistrate Judge's August 3, 2009 Reports and Recommendations** (NO. 607-CV-222-ORL-19KRS) ★ ★ **HN: 3 (F.R.D.)**
- [178](#) BRAY & GILLESPIE MANAGEMENT, LLC, et al., Plaintiffs, v. LEXINGTON INSURANCE COMPANY, et al., Defendants., 2009 WL 2912733, *2912733+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep 09, 2009) **Objections to Report and Recommendation** (NO. 607-CV-222-ORL-35KRS) " ★ ★ **HN: 2,9 (F.R.D.)**
- [179](#) BRAY & GILLESPIE MANAGEMENT LLC, et al., Plaintiffs, v. LEXINGTON INSURANCE

- COMPANY, et al., Defendants., 2009 WL 2700090, *2700090+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug 17, 2009) **Objections to Magistrate Judge's August 3, 2009 Order and August 3, 2009 Report and Recommendation** (NO. 607-CV-222-ORL-19KRS) ★★ HN: 3 (F.R.D.)
- [180](#) Melissa C. BUTTERWORTH, Plaintiff, v. LABORATORY CORPORATION OF AMERICA HOLDINGS, Defendant., 2009 WL 3365571, *3365571+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug 11, 2009) **Plaintiff's Response in Opposition to Defendant's Motion for a Protective Order** (NO. 308CV00411) ★★ HN: 9 (F.R.D.)
- [181](#) Melissa C. BUTTERWORTH, Plaintiff, v. LABORATORY CORPORATION OF AMERICA HOLDINGS, Defendant., 2009 WL 2904745, *2904745+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul 28, 2009) **Defendant's Emergency Motion for Protective Order and Supporting Memorandum of Law** (NO. 308CV00411) " ★★★ HN: 9 (F.R.D.)
- [182](#) GENTEK, INC., a Florida corporation, Plaintiff, v. TDK-LAMBDA AMERICAS, INC., f/k/a Lambda Americas, Inc., f/k/a Electronic Measurements, Inc., a foreign corporation, Defendant., 2009 WL 2695978, *2695978 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun 19, 2009) **Plaintiff's Motion to Compel and Incorporated Memorandum of Law** (NO. 808CV02315) ★★ HN: 8 (F.R.D.)
- [183](#) YELLOW PAGES PHOTOS, INC., Plaintiff, v. YELLOW BOOK USA, INC. and Pindar Set Inc., Defendants., 2009 WL 2694021, *2694021+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun 15, 2009) **Defendants' Joint Response and Memorandum of Law in Opposition to Plaintiff's Motion to Compel and for Sanctions** (NO. 808CV00930) ★★★ HN: 2,9 (F.R.D.)
- [184](#) Floyd M. MINKS, Plaintiff, v. POLARIS INDUSTRIES INC., Defendant., 2009 WL 1810251, *1810251 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. May 29, 2009) **Polaris' Motion for Sanctions and/or Attorneys' Fees** (NO. 605-CV-1894-31KRS) " ★★ HN: 5 (F.R.D.)
- [185](#) YELLOW PAGES PHOTOS, INC., Plaintiff, v. YELLOW BOOK USA, INC. and Pindar Set Inc., Defendants., 2009 WL 1890785, *1890785+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. May 20, 2009) **Motion to Compel and for Sanctions** (NO. 808-CV-00930-SDM-EAJ) " ★★★ HN: 2,9 (F.R.D.)
- [186](#) Michael MERRIWEATHER, and all similarly situated individuals, Plaintiff, v. LATRESE & KEVIN ENTERPRISES, INC., a Florida Corporation, Kevin Hargrave, Individally and Latrese Hargrave, individually, Defendants., 2009 WL 3608795, *3608795 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. May 06, 2009) **Plaintiff's Motion to Compel Defendant's to Produce the List of the Names and Addresses of All Putative Classmembers and Supporting Memrandum of Law** (NO. 308CV00836) ★★ HN: 1,3 (F.R.D.)
- [187](#) Dennis BRADLEY, Linda Bradley, James Cook, Betty Cook, Stephen Grone, Greg Shewring, Cindy Blackshear, et al., Plaintiffs, v. John BOWMAN, Dora Cline, Robert Cohen, Jack Latvala, Ken Shouse and Kyle Shinbaum, Defendants., 2009 WL 4384405, *4384405+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Feb 06, 2009) **Motion to Compel and/or Motion for Sanctions** (NO. 207-CV-465-FTM-34-DN) ★★ HN: 1,3 (F.R.D.)
- [188](#) YELLOW PAGES PHOTOS, INC., Plaintiffs, v. YELLOW BOOK USA, INC. and Pindar Set Inc., Defendants., 2009 WL 494502, *494502 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan 12, 2009) **Defendants' Joint Response and Memorandum of Law in Opposition to Plaintiff's Motion to Compel Discovery** (NO. 808CV00930) " ★★★
- [189](#) STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY and State Farm Fire & Casualty Company, Plaintiffs, v. PHYSICIANS INJURY CARE CENTER, INC., Irving L. Colvin, M.D. and Robert Colvin, Defendants., 2008 WL 5693401, *5693401+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Dec 23, 2008) **Defendants' Motion for Sanctions for Plaintiffs' Failure to Comply with Court Orders** (NO. 606CV01757) " ★★★ HN: 3 (F.R.D.)

- [190](#) John J. THORNTON, (d/b/a/ Baby Boomer Headquarters) an individual, Plaintiff, v. J. JARGON CO., a Florida Corporation; Jeanette C. Linders, an individual; TOC Productions, Inc. A Florida Corporation, Defendants., 2008 WL 5181323, *5181323 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep 24, 2008) **Plaintiff John J. Thornton's Motion for Adverse Inference Jury Instruction Regarding Discovery Violations by Defendant J. Jargon Co. and Memorandum of Law in Support** (NO. 806-CV-01640) ★★ **HN: 3 (F.R.D.)**
- [191](#) BRAY & GILLESPIE MANAGEMENT LLC, et al., Plaintiffs, v. LEXINGTON INSURANCE COMPANY, et al., Defendants., 2008 WL 4195067, *4195067+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug 29, 2008) **Plaintiffs' Consolidated Opposition to Defendant Lexington Insurance Company's Renewed Motion for Discovery Sanctions Against Plaintiffs and Defendant Belfor USA Group, Inc.'s Second Supplemental ...** (NO. 607-CV-222-ORL-19KRS) " ★★ **HN: 1,3 (F.R.D.)**
- [192](#) BRAY & GILLESPIE MANAGEMENT, LLC, a Florida Limited Liability Company, Bray & Gillespie, Delaware I, L.P., a Florida Limited Partnership, Bray & Gillespie X, LLC, a Florida Limited Liability Company, Bray & Gillespie Plaza, LLC, a Florida Limited Liability Company, Bray & Gillespie V, LLC, a Florida Limited Liability Company, Bray & Gillespie Viii, LLC, a Florida Limited Liability Company, and Bray& Gillespie Laplaya, LLC, a Florida Limited Liability Company., 2008 WL 3991818, *3991818+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug 15, 2008) **Defendant Lexington Insurance Company's Renewed Motion for Discovery Sanctions Against Plaintiffs** (NO. 607-CV-222-ORL-19KRS) " ★★★ **HN: 2,9 (F.R.D.)**
- [193](#) BRAY & GILLESPIE MANAGEMENT LLC, et al., Plaintiffs, v. LEXINGTON INSURANCE COMPANY, et al., Defendants., 2008 WL 3991824, *3991824+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug 15, 2008) **Belfor USA Group, Inc.'s Supplemental Motion for Sanctions for Plaintiffs' Failure to Properly Respond to Electronic Discovery and for Relief Regarding Plaintiffs' Failure to Preserve and to Produce ...** (NO. 607-CV-222-ORL-19KRS) ★★ **HN: 8 (F.R.D.)**
- [194](#) GOODBYS CREEK, LLC, a Florida limited liability corporation, Plaintiff, v. ARCH INSURANCE COMPANY, a Missouri corporation, Defendant; Arch Insurance Company, Counter-Plaintiff, v. Goodbys Creek, LLC, a Florida limited liability corporation, and Fairfield Financial Services, Inc., a Georgia Corporation, Counter-Defendants., 2008 WL 5181690, *5181690+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug 11, 2008) **Defendant, Arch Insurance Company's, Response in Opposition to Plaintiff, Goodbys Creek, LLC's, Motion to Compel** (NO. 307-CV-947-J-34HTS) " ★★ **HN: 2,9 (F.R.D.)**
- [195](#) GOODBYS CREEK, LLC, a Florida limited liability corporation, Plaintiff, v. ARCH INSURANCE COMPANY, a Missouri corporation, Defendant. ARCH INSURANCE COMPANY, Counter-Plaintiff, v. GOODBYS CREEK, LLC., a Florida limited liability corporation, and Fairfield Financial Services, Inc., a Georgia Corporation, Counter-Defendants., 2008 WL 3978824, *3978824 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jul 28, 2008) **Plaintiff's Motion to Compel and for Sanctions and Incorporated Memorandum of Law** (NO. 307CV00947) " ★★★ **HN: 9 (F.R.D.)**
- [196](#) BRAY & GILLESPIE MANAGEMENT LLC, et al., Plaintiffs, v. LEXINGTON INSURANCE COMPANY, et al., Defendants., 2008 WL 2482299, *2482299 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jun 06, 2008) **Motion and Incorporated Memorandum to Compel Proper Production of Documents By Plaintiffs and for Relief from Discovery Violations** (NO. 607-CV-222-ORL-19KRS) ★★ **HN: 9 (F.R.D.)**
- [197](#) STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY and State Farm Fire & Casualty Company, Plaintiff, v. PHYSICIANS INJURY CARE CENTER, INC., Irving L. Colvin, M.D. and Robert Colvin, Defendants., 2008 WL 2539299, *2539299 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. May 30, 2008) **Plaintiffs' Motion to Compel Compliance with Court Orders**

- and to Compel Production of Electronically Stored Information** (NO. 606CV01757) ★ ★
- [198](#) LIFE INSURANCE SETTLEMENT ASSOCIATION, INC., a Delaware corporation, Plaintiff/Counter-Defendant, v. FINANCIAL RESEARCH ASSOCIATES, LLC, a foreign limited liability company, Defendant/Counter-Plaintiff., 2008 WL 1756152, *1756152 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan 31, 2008) **Life Insurance Settlement Association, Inc.'s Amended Motion for Appropriate Sanctions Against Financial Research Associates, LLC for Its spoliation of Evidence and Incorporated Memorandum of Law** (NO. 607CV00180) ★ ★ **HN: 3 (F.R.D.)**
- [199](#) LIFE INSURANCE SETTLEMENT ASSOCIATION, INC., a Delaware corporation, Plaintiff/Counter-Defendant, v. FINANCIAL RESEARCH ASSOCIATES, LLC, a foreign limited liability company, Defendant/Counter-Plaintiff., 2008 WL 1756151, *1756151 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan 30, 2008) **Life Insurance Settlement Association, Inc.'s Motion for Appropriate Sanctions Against Financial Research Associates, Llc for its Spoliation of Evidence and Incorporated Memorandum of Law** (NO. 607CV00180) ★ ★ **HN: 3 (F.R.D.)**
- [200](#) UNITEDHEALTH GROUP, INC., as named fiduciary of the Unitedhealth Group Employee Health Benefit Plan, Plaintiff, v. Dennis DOWDY, Defendant., 2008 WL 1829588, *1829588+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Jan 11, 2008) **Plaintiff's Second Motion for Sanctions and Motion to Modify the Court's Case Management and Scheduling Order (With Local Rule 3.01(g) Certification)** (NO. 806CV02111) ★ ★ **HN: 1,3 (F.R.D.)**
- [201](#) SPARTON ELECTRONICS FLORIDA, INC., Plaintiff, v. ELECTROPAC CO. INC., and Electropac Canada, Inc., Inc., Defendants., 2007 WL 4918675, *4918675 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Dec 17, 2007) **Defendant Electropac Co., Inc.'s Third Motion to Compel Production of Documents and to Permit Inspection, for Sanctions and Other Relief and Request for Oral Argument** (NO. 805CV01495) " ★ ★ **HN: 1,3 (F.R.D.)**
- [202](#) UNITEDHEALTH GROUP, INC., as named fiduciary of the Unitedhealth Group Employee Health Benefit Plan, Plaintiff, v. Dennis DOWDY, Defendant., 2007 WL 5125779, *5125779+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Dec 03, 2007) **Motion for Sanctions Against Defendant for Failure to Comply With Court's Order (With Local Rule 3.01(g) Certification)** (NO. 806CV02111) ★ ★ **HN: 1 (F.R.D.)**
- [203](#) LEHMAN BROTHERS HOLDINGS, INC., Plaintiff, v. Scott HIROTA, et al., Defendants., 2007 WL 5190611, *5190611+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Sep 18, 2007) **Plaintiff Lehman Brothers Holdings, Inc.'s Opposition to Equitable Title's Motion to Compel** (NO. 806CV02030) " ★ ★ **HN: 9 (F.R.D.)**
- [204](#) LEHMAN BROTHERS HOLDINGS, INC., Plaintiff, v. Scott HIROTA, Johanna Hirota, Raul Quintana, Eloisa Quintana, George Galandoudes, Barry Rutstein, Sohan Sahota, Robert Smith, Equitable Title of Florida, Inc., Landamerica Fiancial Group, Inc., d/b/a Landmerica-gulfatlantic Title, Interlachen Residential Mortgage Company, LLC, Fred N. Passarelli, Passarelli & Potts Appraisal Service, Inc., Lawyers Title Insurance Corporation, and Nominal Defendants Unknown, 2007 WL 5190610, *5190610+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Aug 31, 2007) **Defendant, Equitable Title of Florida, Inc.'s, Motion to Compel Discovery Responses from Plaintiff and for Sanctions and Incorporated Memorandum of Law** (NO. 806CV02030) ★ ★ **HN: 2 (F.R.D.)**
- [205](#) Barbara ENGLAND; Doctors Licensure Group, Inc.; and Anestat, Inc., Plaintiffs, v. CONTINENTAL CASUALTY COMPANY, Defendant., 2010 WL 5814412, *5814412 (Trial Motion, Memorandum and Affidavit) (N.D.Fla. Nov 03, 2010) **(i) Supplement to Motion for Sanctions and (ii) Motion to Strike Continental's Expert. Steven M. Platau. J.D. CPA and Other Relief** (NO. 310-CV-00098-RV/MD) ★ ★ **HN: 3 (F.R.D.)**
- [206](#) JCW SOFTWARE, LLC, a Florida limited liability company, Plaintiff, v. EMBROIDME.COM, INC., UFG Group, Inc., Ray Titus, Walter Seltzer, Monica Markulin and Jim Lehfeldt, Defendants., 2011 WL 6812689, *1 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Nov 16, 2011) **Plain-**

tiff's Reply to Defendants' Opposition to Plaintiff's Motion to Compel Complete Production of the EME 3000 Database and for Attorneys' Fees and Costs (D.E. 125) (NO.

9:10-CV-80472-KMW) ★ ★

- [207](#) JCW SOFTWARE, LLC, a Florida limited liability company, Plaintiff, v. EMBROIDME.COM, INC., Ufg Group, Inc., Ray Titus, Walter Seltzer, Monica Markulin and Jim Lehfeldt, Defendants., 2011 WL 5905625, *1+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Oct 20, 2011) **Motion to Compel Complete Production of the Eme 3000 Database and for Attorneys' Fees and Costs** (NO. 9:10-CV-80472-KMW) ★ ★ **HN: 1 (F.R.D.)**
- [208](#) POINT BLANK SOLUTIONS, INC., a Delaware corporation, and Point Blank Body Armor, Inc., a Delaware corporation, Plaintiffs, v. TOYOBO AMERICA, INC., a New York corporation and Toyobo Co., Ltd., a Japanese corporation, Defendants., 2010 WL 5778417, *5778417+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Dec 15, 2010) **Plaintiffs' Memorandum of Law in Support of Motion for Determination of Spoliation of Evidence and Appropriate Sanctions** (NO. 09-61166-SEITZ/OSULL) " ★ ★
- [209](#) Norberto FUENTES, Plaintiff, v. MEGA MEDIA HOLDINGS, INC. d/b/a Mega TV and Spanish Broadcasting System of Delaware, Inc., MES Productions, Inc., Telemotion Productions, Inc., Defendants., 2010 WL 5881869, *5881869 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Dec 14, 2010) **Defendants' Motion to Compel Discovery and Inspection of Hard Drive and Incorporated Memorandum of Law** (NO. 09CV22979) ★ ★ **HN: 9 (F.R.D.)**
- [210](#) MAS FLOW, INC., Lt's Benjamin Records, Inc., Francisco Saldana, Plaintiffs, v. MACHETE MUSIC and Umg Recordings, Inc., Defendants, UMG RECORDINGS, INC., Counter-Plaintiff, v. MAS FLOW, INC., LT's Benjamin Records and Francisco Saldana, Counter-Defendants., 2010 WL 5881926, *5881926+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Nov 29, 2010) **Plaintiff Saldana's Opposition to UMG Inc.'s Motion to Compel** (NO. 09CV23770) ★ ★
- [211](#) POINT BLANK SOLUTIONS, INC., a Delaware corporation, and Point Blank Body Armor, Inc., a Delaware corporation, Plaintiffs, v. TOYOBO AMERICA, INC., a New York corporation and Toyobo Co., Ltd., a Japanese corporation, Defendants., 2010 WL 5189723, *5189723+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Nov 19, 2010) **Plaintiffs' Memorandum of Law in Support of Motion for Determination of Spoliation of Evidence and Appropriate Sanctions** (NO. 09-61166-SEITZ/OSULL) ★ ★
- [212](#) LT'S BENJAMIN RECORDS, INC., Mas Flow, Inc. and Francisco Saldana, Plaintiffs, v. MACHETE MUSIC a division of Umg Recordings, Inc., Defendant, UMG RECORDINGS, INC., Counterclaimant, v. LT'S BENJAMIN RECORDS, INC. and Francisco A. Saldana Fernandez P/K/A Luny., Counterdefendants., 2010 WL 5881925, *5881925+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Nov 11, 2010) **Machete's Motion to Compel and Memorandum of Law in Support Thereof** (NO. 09CV23770) " ★ ★ ★ **HN: 9 (F.R.D.)**
- [213](#) In re BANKATLANTIC BANCORP, INC. SECURITIES LITIGATION., 2010 WL 3903730, *3903730+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Aug 27, 2010) **Plaintiffs' Motion to Preclude Defendants' Affirmative Use of Belatedly Produced Documents and Incorporated Memorandum of Law** (NO. 07-61542-CIV-UNGARO/) ★ ★ **HN: 2 (F.R.D.)**
- [214](#) Allison NELSON, On Behalf of Herself and All Others Similarly Situated, Plaintiff, v. MEAD JOHNSON NUTRITION COMPANY and Mead Johnson & Company, Defendants., 2010 WL 3804776, *3804776 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Aug 19, 2010) **Plaintiff's Motion to Compel and Incorporated Memorandum of Points and Authorities in Support of Plaintiff's Motion to Compel Production of Documents from Defendant Mead Johnson & Co.** (NO. 09-61625-CIV-COHN/SE) ★ ★ **HN: 9 (F.R.D.)**
- [215](#) PETMED EXPRESS, INC., Plaintiff, v. HEALTHYPETS, INC. d/b/a Entirelypets.com, and Mandeep Ghumman, Defendants. Healthypets, Inc. d/b/a entirelypets.com, Counterclaim Plaintiff, v. Petmed Express, Inc., Counterclaim Defendant, Menderes Akdag, Third Party Defendant., 2010 WL 3900657,

- *3900657 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jul 07, 2010) **Memorandum of Law in Support of Plaintiff Third Party Defendant's Motion to Compel Discovery** (NO. 09-CIV-23533-UU) ★★ **HN: 8 (F.R.D.)**
- [216](#) In re: DENTURE CREAM PRODUCTS LIABILITY LITIGATION. This Document Relates to All Actions., 2010 WL 3423656, *3423656+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jun 21, 2010) **Plaintiffs' Reply in Support of Their Motion to Compel the Procter & Gamble Defendants to Produce Electronically Formatted Versions of Their Adverse Events and Consumer Comments Data** (NO. 09MD02051) " ★★★ **HN: 2,9 (F.R.D.)**
- [217](#) In re: DENTURE CREAM PRODUCTS LIABILITY LITIGATION. This Document Relates to All Actions., 2010 WL 3423654, *3423654 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. May 26, 2010) **Memorandum of Law in Support of Plaintiffs' Motion to Compel the Procter & Gamble Defendants to Produce Electronically Formatted Versions of Its Adverse Events and Consumer Comments Data** (NO. 09MD02051) ★★ **HN: 2 (F.R.D.)**
- [218](#) Ron KUCZYNSKI, Plaintiff, v. LYRA MANAGEMENT, INC., Defendant., 2010 WL 2960301, *2960301 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. May 21, 2010) **Defendant's Motion to Strike Tardily Declared Expert Witness, for Sanctions, and Request for Expedited Briefing** (NO. 08-62067-CIV-COHN/SE) " ★★★ **HN: 1,3 (F.R.D.)**
- [219](#) DHL EXPRESS INC., an Ohio corporation, Plaintiff, v. RAPID ENTERPRISES, INC. d/b/a Express One, a Nevada corporation, and John Does 1-100, Defendants., 2010 WL 2218081, *2218081+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Apr 19, 2010) **DHL Express Inc.'s Reply Brief in Support of Its Motion to Compel Rapid Enterprises, Inc.'s Production of Documents** (NO. 009CV60747) ★★
- [220](#) Richard STONE and Lesley Blackner Stone, his wife, Plaintiffs, v. ZIMMER, INC., Defendant., 2010 WL 931988, *931988 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Mar 02, 2010) **Plaintiffs' Motion to Compel** (NO. 09-80252-CIV-HURLEY/) ★★★
- [221](#) BUCKEYE VENTURES, INC., a Michigan corporation n/k/a Energy King, Inc., a Nevada corporation, Plaintiff, v. TRAFALGAR CAPITAL SPECIALIZED INVESTMENT FUND, LUXEMBOURG, and Trafalgar Capital Sarl, Defendants. Trafalgar Capital Specialized Investment Fund, Luxembourg, a Luxembourg Sica V Fund, Plaintiff, v. Energy King, Inc., a Michigan corp. f/n/a Buckeye Ventures, Inc.; Jeffrey R. Hultman; Alan Mintz; and America Residential Services, LLC, a Delaware limited, 2010 WL 1504782, *1504782 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jan 20, 2010) **Energy King's Renewed Motion to Compel and Supporting Memorandum of Law** (NO. 09-CV-60299-COHN-SEL, CV-09-60320-COHN-SEL) ★★★ **HN: 8 (F.R.D.)**
- [222](#) PREMIER ANESTHESIA, LLC, Plaintiff, v. BETHESDA MEMORIAL HOSPITAL, INC., Robert B. Hill, and Roger L. Kirk, Defendants., 2010 WL 1592697, *1592697+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jan 15, 2010) **Plaintiff, Premier Anesthesia, LLC's Renewed Motion for Sanctions and Motion in Limine for Trial Concerning Destroyed Evidence with Incorporated Memorandum of Law** (NO. 08-80498-CIV-HURLEY/) " ★★★ **HN: 9 (F.R.D.)**
- [223](#) Rufus KPADEH; Nathaniel Koah; Esther Koah; Mamie Catherine Doris Koah; and Anthony Sonkarlay;, Plaintiffs, v. Charles McArthur EMMANUEL, a/k/a Charles Taylor Jr., a/k/a Chuckie Taylor, a/k/a Roy Belfast, Jr. (and all other aliases, known and unknown), Defendant., 2009 WL 5566893, *5566893 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Dec 30, 2009) **Plaintiffs' Motion to Compel Defendant to Provide Complete Responses to Written Interrogatories and Memorandum of Law in Support Thereof** (NO. 109CV20050) ★★
- [224](#) PREMIER ANESTHESIA, LLC, Plaintiff, v. BETHESDA MEMORIAL HOSPITAL, INC., Robert B. Hill, and Roger L. Kirk, Defendant., 2009 WL 4726699, *4726699+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Sep 30, 2009) **Plaintiff Premier Anesthesia, LLC's Renewed Motion for Sanctions and Motion in Limine Concerning Destroyed Evidence with Incorporated Memorandum of Law** (NO. 08-80498-CIV-HURLEY/) " ★★★ **HN: 9 (F.R.D.)**

- [225](#) SECURITIES AND EXCHANGE COMMISSION, Plaintiff, v. Joseph J. MONTEROSSO, et al., Defendants., 2009 WL 3100529, *3100529+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Aug 18, 2009) **Plaintiff's Memorandum of Law in Support of Third Motion for Sanctions** (NO. 007CV61693) " ★ ★
- [226](#) PREMIER ANESTHESIA, LLC, Plaintiff, v. BETHESDA MEMORIAL HOSPITAL, INC., Robert B. Hill, and Roger L. Kirk, Defendants., 2009 WL 2332592, *2332592+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jun 19, 2009) **Plaintiff Premier Anesthesia, LLC'S Reply in Support of Its Motion for Sanctions** (NO. 08-80498-) ★ ★ ★ **HN: 2,6,9 (F.R.D.)**
- [227](#) Sydelle RUDERMAN, by and through her attorney-in-fact, Bonnie Schwartz, individually and Sylvia Powers by and through her attorney-in-fact, Les Powers, on behalf of all others similarly situated, Plaintiffs, v. WASHINGTON NATIONAL INSURANCE COMPANY, Successors in Interest to Pioneer Life Insurance Company, Defendant., 2009 WL 2334804, *2334804 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jun 05, 2009) **Plaintiffs' Motion to Compel Better Rule 26 Disclosures from Defendant, to Compel Answers to Plaintiffs' First Set of Interrogatories, First Requests for Admission and First Requests for Production ...** (NO. 08-CV-23401-CIV-COHN) ★ **HN: 2 (F.R.D.)**
- [228](#) David FEINGOLD, Plaintiff, v. Scott BUDNER and Budner Enterprises, Inc., Defendants., 2009 WL 2332667, *2332667 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jun 02, 2009) **Plaintiff's Response in Opposition to Defendants' Motion to Compel Discovery and Answers to Interrogatories and Impose Sanctions** (NO. 08-80539-) ★ ★
- [229](#) PREMIER ANESTHESIA, LLC Plaintiff, v. BETHESDA MEMORIAL HOSPITAL, INC., Robert B. Hill, and Roger L. Kirk, Defendant., 2009 WL 2332590, *2332590+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. May 29, 2009) **Plaintiff Premier Anesthesia, LLC'S Motion for Sanctions with Incorporated Memorandum of Law** (NO. 08-80498-) " ★ ★ ★ **HN: 9 (F.R.D.)**
- [230](#) David FEINGOLD, Plaintiff, v. Scott BUDNER and Budner Enterprises, Inc., Defendants., 2009 WL 2332666, *2332666 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. May 23, 2009) **Plaintiff's Third Motion for Default Judgment** (NO. 08-80539-) ★ ★
- [231](#) David FEINGOLD, Plaintiff, v. Scott BUDNER and Budner Enterprises, Inc., Defendants., 2009 WL 2332594, *2332594 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. May 05, 2009) **Plaintiff's Fourth Motion to Compel Discovery, Motion for Additional Sanctions and for an Award of Additional Attorney's Fees, and/or Second Motion for Default** (NO. 08-80539-) ★ ★
- [232](#) PREFERRED CARE PARTNERS HOLDING CORP., a Florida corporation, and Preferred Care Partners, Inc., a Florida corporation, Plaintiffs, v. HUMANA INC., a foreign corporation, Defendant., 2009 WL 2416658, *2416658 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Mar 16, 2009) **Plaintiffs' Reply Memorandum of Law in Support of Their Motion for Sanctions** (NO. 08-20424-) ★ ★ **HN: 9 (F.R.D.)**
- [233](#) PREFERRED CARE PARTNERS HOLDING CORP., a Florida corporation, and Preferred Care Partners, Inc., a Florida corporation, Plaintiffs, v. HUMANA INC., a foreign corporation, Defendant., 2009 WL 2416657, *2416657 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Mar 06, 2009) **Defendant Humana Inc.'s Memorandum in Opposition to Plaintiffs' Motion for Sanctions** (NO. 08-20424-) ★ ★ **HN: 2 (F.R.D.)**
- [234](#) David FEINGOLD, Plaintiff, v. Scott BUDNER and Budner Enterprises, Inc., Defendants., 2009 WL 1612128, *1612128 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Mar 04, 2009) **Plaintiff's Motion for Default and Recovery of Attorney's Fees** (NO. 08CV80539) ★ ★
- [235](#) PREFERRED CARE PARTNERS HOLDING CORP., a Florida corporation; Preferred Care Partners, Inc., a Florida corporation, Plaintiffs, v. HUMANA INC., a foreign corporation, Defendant., 2009 WL 2416656, *2416656+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Feb 17, 2009) **Plaintiffs' Motion for Sanctions** (NO. 08-20424-) ★ ★

- [236](#) David FEINGOLD, Plaintiff, v. Scott BUDNER and Budner Enterprises, Inc., Defendants., 2008 WL 5589176, *5589176 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Dec 08, 2008) **Plaintiff David Feingold's Motion to Compel, Motion for Sanctions for Defendants' Failure to Comply with a Court Order, and Motion for Extension Based Upon Defendants' Failure to Comply with Court ...** (NO. 08-80539-CIV-HURLEY/) ★ ★
- [237](#) Jeff DORIA, Infinity Financial Partners, Inc., and Century Trading Group, LLC, Plaintiffs, v. CLASS ACTION SERVICES, LLC, Cypress Financial Research, LLC, Mark Zinn, Mark Donaldson, Jonathan Wade, and Jeff Goshay, Defendants., 2008 WL 4144362, *4144362 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Sep 02, 2008) **Plaintiffs' Emergency Motion Requesting Discovery and Scheduling Pretrial Conference, and Accompanying Motion to Compel and for Sanctions & Incorporated Memorandum of Law** (NO. 908-CV-80512-DMM) ★ ★
- [238](#) Jeff DORIA, Infinity Financial Partners, Inc., and Century Trading Group, LLC, Plaintiffs, v. CLASS ACTION SERVICES, LLC, Cypress Financial Research, LLC, Mark Zinn, Mark Donaldson, Jonathan Wade, and Jeff Goshay, Defendants., 2008 WL 4144363, *4144363 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Sep 02, 2008) **Plaintiffs' Emergency Motion Requesting Discovery and Scheduling Pretrial Conference, and Accompanying Motion to Compel and for Sanctions & Incorporated Memorandum of Law** (NO. 908-CV-80512-DMM) ★ ★
- [239](#) AMERITOX, LTD. and U.D. Testing, Inc., Plaintiffs/Counter-Defendants, v. AEGIS SCIENCES CORP., Defendant / counter-Plaintiff., 2008 WL 4403113, *4403113 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Aug 21, 2008) **Motion and Memorandum in Support of Motion to Compel U.D. Testing, Inc. And Ameritox, Ltd to Provide Answers to Defendant/Counter Plaintiff's Interrogatories and Requests for Production of Documents** (NO. 907CV80498) " ★ ★ **HN: 9 (F.R.D.)**
- [240](#) POMPANO HELICOPTERS, INC., Plaintiff, v. WESTWOOD ONE, INC., Defendant., 2008 WL 4405852, *4405852 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Aug 07, 2008) **Defendant Westwood One, Inc.'s Motion to Compel Discovery and Supporting Memorandum of Law** (NO. 007CV61737) ★ ★ **HN: 9 (F.R.D.)**
- [241](#) Jeffrey HOLTZMAN, Plaintiff, v. B/E AEROSPACE, INC., a Delaware Corporation, and Thomas P. Mccaffrey, an Individual, Defendants., 2008 WL 4403121, *4403121+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jul 10, 2008) **Plaintiff's Motion to Compel Discovery and for Sanctions and Incorporated Memorandum of Law** (NO. 907CV80551) ★ ★
- [242](#) SOUTHERN GROUTS & MORTARS, INC., A Florida corporation, Plaintiff, v. 3M COMPANY, a foreign corporation, Defendant., 2008 WL 2720099, *2720099 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jun 10, 2008) **Plaintiff's Motion to Compel Inspection of Server/Computer** (NO. 007CV61388) ★ ★ **HN: 9 (F.R.D.)**
- [243](#) DELL INC.; and Alienware Corporation, Plaintiffs, v. BELGIUMDOMAINS, LLC; Capitoldomains, LLC; Domaindoorman, LLC; Netrian Ventures Ltd.; Iholdings.com, Inc.; Juan Pablo Vazquez a/k/a JP Vazquez, an individual; and Does 1 - 10, Defendants., 2008 WL 969593, *969593 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Feb 04, 2008) **Reply Memorandum in Support of Plaintiffs' Amended Motion for Sanctions, Including the Entry of a default Judgment** (NO. 07-22674-CIV-JORDAN/) ★ ★
- [244](#) POP'S PANCAKES, INC., a Georgia corporation, and Zuccarelli's Italian Kitchen, Inc., a Florida corporation, on behalf of themselves and all others similarly situated, Plaintiffs, v. NUCO2 INC., a Florida corporation, Defendant., 2008 WL 972924, *972924 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jan 24, 2008) **Plaintiffs' Motion to Compel Defendant NuCO2, Inc. to Respond to Plaintiffs' Revised First Interrogatories and Requests for Production** (NO. 07-14157CIV-GRAHAM/L) ★ ★
- [245](#) SENSORMATIC ELECTRONICS CORPORATION, Plaintiff, v. THE TAG COMPANY US LLC, Phenix Label Company, and Dennis Gaddoniex, Defendants., 2008 WL 972858, *972858 (Trial

- Motion, Memorandum and Affidavit) (S.D.Fla. Jan 09, 2008) **Reply Memorandum in Further Support of Sensormatic's Motion for Partial Reconsideration and Clarification of Omnibus Order and Motion for A Protective Order** (NO. 06-81105-CIV-HURLEY/) " ★ ★
- [246](#) Lana PEREZ and, Elena Leffler, Plaintiffs, v. SAKS FIFTH AVENUE, INC., a foreign profit corporation doing business in Florida, Defendant., 2008 WL 950367, *950367 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Jan 04, 2008) **Plaintiffs' Motion to Compel Defendant's Responses to Requests for Production** (NO. 07-21794MOORE/GARBER) ★ ★ **HN: 2,9 (F.R.D.)**
- [247](#) MICCOSUKEE TRIBE OF INDIANS OF FLORIDA, a federally-recognized Indian Tribe, Plaintiff, v. UNITED STATES OF AMERICA; et al., Defendants., 2008 WL 7861038, *7861038 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. 2008) **Plaintiff Miccosukee Tribe's Third Motion to Compel Proper Response to Plaintiff's First Request for Production and Request for Sanctions Against Defendant United States of America and Request for ...** (NO. 108CV23001) ★ ★
- [248](#) NISSIM CORP., Plaintiff, v. TIME WARNER INC., Warner Bros. Entertainment Inc., Warner Home Video Inc. and New Line Home Entertainment Inc., Defendants., 2007 WL 5078803, *5078803+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Nov 05, 2007) **response in Opposition to Nissim's First Motion to Compel Production of Documents** (NO. 07-20624CIV) ★ ★ **HN: 2,9 (F.R.D.)**
- [249](#) Tariq A. JILANI, Plaintiff, v. FPL GROUP, INC., A Florida Corporation, Defendant., 2007 WL 5079894, *5079894 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Oct 25, 2007) **Defendant's Memorandum of law in Support of Its Motion for Sanctions** (NO. 06-21650-CIV-MARTINE) " ★ ★ **HN: 1,3 (F.R.D.)**
- [250](#) NISSIM CORP., Plaintiff, v. TIME WARNER INC., Warner Bros. Entertainment Inc., Warner Home Video Inc. and New Line Home Entertainment Inc., Defendants., 2007 WL 5081163, *5081163+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Oct 19, 2007) **Plaintiff Nissim Corp.'s First Motion to Compel Production of Documents** (NO. 07-20624-CIV-COOKE/B) ★ ★ **HN: 9 (F.R.D.)**
- [251](#) NISSIM CORP., Plaintiff, v. TIME WARNER INC., Warner Bros. Entertainment Inc., Warner Home Video Inc. and New Line Home Entertainment Inc., Defendants., 2007 WL 5081161, *5081161 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Oct 09, 2007) **Plaintiff Nissim Corp.'s First Motion to Compel Answers to Interrogatories** (NO. 07-20624-CIV-COOKE/B) ★ **HN: 8 (F.R.D.)**
- [252](#) PALMYRA PARK HOSPITAL, INC., d/b/a Palmyra Medical Center, P, Laintiff, v. PHOEBE PUTNEY MEMORIAL HOSPITAL, INC.; Phoebe Putney Health System, Inc.; and Hospital Authority of Albany/dougherty County, Defendants., 2008 WL 5532872, *5532872 (Trial Motion, Memorandum and Affidavit) (M.D.Ga. Dec 24, 2008) **Plaintiff Palmyra Medical Center's Consolidated Response in Opposition to Defendants' Motions for Protective Order and Motions to Quash Third-Party Subpoenas** (NO. 108CV00102) ★ ★ **HN: 2 (F.R.D.)**
- [253](#) PALMYRA PARK HOSPITAL, INC., d/b/a Palmyra Medical Center, Plaintiff, v. PHOEBE PUTNEY MEMORIAL HOSPITAL, INC.; Phoebe Putney Health System, Inc.; and Hospital Authority of Albany/Dougherty County, Defendants., 2008 WL 5532869, *5532869 (Trial Motion, Memorandum and Affidavit) (M.D.Ga. Dec 05, 2008) **Brief in Support of Defendants Phoebe Putney Memorial Hospital, Inc.'s Phoebe Putney Health System, Inc.'s Motion for Protective Order Regarding Plaintiff's Pending Discovery and Motion to Quash ...** (NO. 108CV00102) ★ ★ **HN: 2 (F.R.D.)**
- [254](#) Johnny BATES and Patricia Middleton Bates, Plaintiffs, v. MICHELIN NORTH AMERICA, INC., Defendant., 2011 WL 5005477, *1 (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Aug 11, 2011) **Plaintiffs' Reply to Defendant's Response to Plaintiffs' Motion for Sanctions Redacted Version** (NO. 09CV03280) ★ **HN: 2 (F.R.D.)**
- [255](#) In Re PIEDMONT OFFICE REALTY TRUST, INC. SECURITIES LITIGATION., 2009 WL 6389207, *6389207 (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Dec 24, 2009) **Plaintiffs' Reply Memorandum in Further Support of Their Motion to Compel the Production of Docu-**

- ments and Answers to Interrogatories** (NO. 107-CV-002660-CAP) " ★ ★ **HN: 9 (F.R.D.)**
- [256](#) Barbara BAGWELL, et al., Plaintiffs, v. PEACHTREE DOORS AND WINDOWS, INC., et al., Defendants., 2009 WL 5109672, *5109672+ (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Nov 09, 2009) **Reply Memorandum in Support of Plaintiffs' Alternative Motions in Limine, for Sanctions, or to Compel Discovery** (NO. 208CV00191) " ★ ★ **HN: 2 (F.R.D.)**
- [257](#) Barbara BAGWELL, et al., Plaintiffs, v. PEACHTREE DOORS AND WINDOWS, INC., et al., Defendants., 2009 WL 5109678, *5109678+ (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Oct 09, 2009) **Plaintiffs' Alternative Motions in Limine, for Sanctions, or to Compel Discovery and Memorandum of Law in Support** (NO. 208CV00191) " ★ ★ **HN: 2 (F.R.D.)**
- [258](#) In re NETBANK, INC. SECURITIES LITIGATION., 2009 WL 1570058, *1570058+ (Trial Motion, Memorandum and Affidavit) (N.D.Ga. May 27, 2009) **Memorandum of Law in Support of Lead Plaintiff's Motion to Compel Responses to Plaintiff's First Set of Document Requests and Interrogatories** (NO. 107-CV-2298) " ★ ★ **HN: 9 (F.R.D.)**
- [259](#) Jeannette GONZALEZ and Tammy Kerce on behalf of themselves and all those similarly situated who consent to representation, Plaintiffs, v. LIVEOPS, INC., Defendant., 2008 WL 5343558, *5343558 (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Sep 11, 2008) **Liveops, Inc.'s Memorandum of Law in Support of its Motion to Dismiss or Alternatively Compel Discovery Responses From Maureen Cook, Joanne Dingle, Latonya Galloway, Jennifer Jay, Deanne Manley, ...** (NO. 108-CV-00813-BBM) " ★ ★ **HN: 2 (F.R.D.)**
- [260](#) Jeannette GONZALEZ and Tammy Kerce on behalf of themselves and all those similarly situated who consent to representation, Plaintiffs, v. LIVEOPS, INC., Defendant., 2008 WL 5343556, *5343556 (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Aug 15, 2008) **Liveops, Inc.'s Memorandum of Law in Support of its Motion to Dismiss or Alternatively Compel Discovery Responses from Andria Goodman Lonna Hardin, Felicia Johnson, Joshica Moore, Eddie Moore, and ...** (NO. 108-CV-00813-BBM) " ★ ★ **HN: 2 (F.R.D.)**
- [261](#) Jeannette GONZALES and Tammy Kerce, on behalf of themselves and all those similarly situated who consent to representation, Plaintiffs, v. LIVEOPS, INC., Defendant., 2008 WL 4060621, *4060621 (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Jun 24, 2008) **Plaintiffs' Surreply in Opposition to Liveops, Inc.'s Motion to Dismiss or Alternatively Compel Disclosure of Plaintiffs' Computation of Damages and Discovery Responses** (NO. 108CV00813) ★ ★
- [262](#) Jeannette GONZALEZ and Tammy Kerce on behalf of themselves and all those similarly situated who consent to representation, Plaintiffs, v. LIVEOPS, Inc., Defendant., 2008 WL 4060622, *4060622 (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Jun 24, 2008) **Liveops, Inc.'s Memorandum of Law in Support of Its Motion to Dismiss or Alternatively Compel Discovery Responses from Trudy Carter, Veronica Dobbs, Milland Goldman, Monique Goldman, Candi Hagan, ...** (NO. 108CV00813) " ★ ★ **HN: 2 (F.R.D.)**
- [263](#) CATCH CURVE, INC., Plaintiff, v. GRAPHNET, INC., Defendant., 2008 WL 4076804, *4076804 (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Jun 09, 2008) **Defendant Graphnet's Brief in Response to Catch Curve's Motion for Entry of Default Judgment or in the Alternative to Compel Discovery Responses** (NO. 106CV02386) ★ ★
- [264](#) In Re: Richard M. KIPPERMAN, not individually but solely in his capacity as Trustee for the Magnatrx Litigation Trust, Plaintiff., v. ONEX CORPORATION, Onex Abco Limited Partnership, Onex ABCO Finance, LLC, Onex ABCO Finance II, LLC, Onex American Holdings, LLC, 1354495 Ontario, Inc., 302733 Nova Scotia Inc., OMI Partnership Holdings, Ltd., Gerald W. Schwartz, Mark Hilson, Nigel Wright, Christopher A. Govan, Robert T. Ammerman, and R. Charles Blackmon., 2008 WL 1816180, *1816180 (Trial Motion, Memorandum and Affidavit) (N.D.Ga. Mar 27, 2008) **Opposition of the Onex Defendants to Plaintiff's Motion for Sanctions Pursuant to the Court's Order Addressing Case Management Issues** (NO. 105CV01242) ★ ★ **HN: 6 (F.R.D.)**

- [265](#) WHITESELL CORPORATION, Plaintiff, v. ELECTROLUX HOME PRODUCTS, INC., Husqvarna Outdoor Products, Inc., and Husqvarna, A.B., Defendants., 2008 WL 1802737, *1802737+ (Trial Motion, Memorandum and Affidavit) (S.D.Ga. Feb 22, 2008) **Plaintiff Whitesell Corporation's Response to Defendants' Motion to Compel Discovery** (NO. CV103-050-DHB) ★ ★ **HN: 7 (F.R.D.)**
- [266](#) Jeffrey T. BUCK, Plaintiff, v. CITY OF SANDPOINT, an Idaho municipality, John Doe City of Sandpoint Employees/Police Officers Ryan, Bailey, Wheeler, Feldhausen, Dressel, Coon, Higbee, Murphy, Lockwood, Wiedebush and Vanhying, in their official capacities and individually, and John Doe and Jane Doe a Through H City of Sandpoint Employees and/or Police Officers, and John Doe City of Sandpoint Employees/Firemen Robert W. Tyler, Michael W. Adams and Jane Doe, 2009 WL 4379573, *4379573+ (Trial Motion, Memorandum and Affidavit) (D.Idaho Jul 02, 2009) **Memorandum in Support of Motion in Limine** (NO. CV-07-76-N-EJL) " ★ ★
- [267](#) SLOAN VALVE COMPANY, a Delaware corporation, Plaintiff, v. ZURN INDUSTRIES, INC., a Delaware corporation, and Zurn Industries, LLC, a Delaware limited liability company, Defendants., 2010 WL 4928729, *4928729 (Trial Motion, Memorandum and Affidavit) (N.D.Ill. Sep 20, 2010) **Plaintiff's Memorandum in Support of Its Motion for Sanctions against Zurn for Its Failure to Comply with Magistrate Judge Schenkier's Order** (NO. 110-CV-00204) ★ ★
- [268](#) Lawrence FEDERICO, Jr., v. STATE FARM GENERAL INSURANCE COMPANY and State Farm Fire and Casualty Company., 2009 WL 1203820, *1203820 (Trial Motion, Memorandum and Affidavit) (E.D.La. Mar 13, 2009) **State Farm's Response in Opposition to Plaintiff's Motion to Compel State Farm, Acting in its Capacity as Insurer Under an Apartment Policy to Respond to Plaintiff's Discovery Requests** (NO. 206CV04913) ★ ★ **HN: 2 (F.R.D.)**
- [269](#) UNITED DISASTER RESPONSE, L.L.C., v. OMNI PINNACLE, L.L.C., St. Tammany Parish., 2008 WL 6460671, *6460671 (Trial Motion, Memorandum and Affidavit) (E.D.La. Nov 07, 2008) **Reply Memorandum to Oppositions to St. Tammany Parish's Motion for Entry of Order Governing Discovery of Electronically Stored Information** (NO. 206CV06075) ★ **HN: 2 (F.R.D.)**
- [270](#) KNOWLEDGE LEARNING CORPORATION, Plaintiff, v. Michael MALONEY, et al., Defendants., 2008 WL 2125769, *2125769 (Trial Motion, Memorandum and Affidavit) (D.Md. Mar 21, 2008) **Plaintiff's Memorandum in Support of Motion for Protective Order** (NO. 07-CV-03234-MJG) " ★ ★
- [271](#) LAETHEM EQUIPMENT COMPANY, a Michigan corporation, Laethem Farm Service Co., a Michigan corporation, Michael T. Laethem, and Mark E. Laethem., Plaintiffs, v. DEERE & CO., a Delaware corporation, Defendant., 2009 WL 1936383, *1936383+ (Trial Motion, Memorandum and Affidavit) (E.D.Mich. Jan 20, 2009) **Defendant Deere's Response to Ivize Motion to Withdraw** (NO. 205-CV-10113) ★ ★ **HN: 2 (F.R.D.)**
- [272](#) Thomas C. and PAMELA McIntosh, Plaintiffs, v. STATE FARM FIRE & CASUALTY COMPANY and Forensic Analysis & Engineering Co., et al., Defendants., 2007 WL 3045957, *3045957+ (Trial Motion, Memorandum and Affidavit) (S.D.Miss. Oct 12, 2007) **Defendant State Farm's Memorandum in Support of Emergency Motion to Compel Compliance with Third-Party Subpoena for the Production of Cori Rigsby's Computer** (NO. 106-CV-1080-LTS-RHW) ★ ★
- [273](#) ED SCHMIDT PONTIAC-GMC TRUCK, INC., Plaintiff, v. CHRYSLER MOTORS COMPANY, LLC, Defendant., 2008 WL 2908617, *2908617 (Trial Motion, Memorandum and Affidavit) (N.D.Ohio Jun 24, 2008) **Reply Memorandum in Support of Plaintiff's Motion for Summary Judgment on its Spoliation Claim** (NO. 304CV07621) ★ ★ **HN: 3,8 (F.R.D.)**
- [274](#) ED SCHMIDT PONTIAC-GMC TRUCK, INC., Plaintiff, v. CHRYSLER MOTORS COMPANY, LLC, Defendant., 2008 WL 2908612, *2908612+ (Trial Motion, Memorandum and Affidavit) (N.D.Ohio May 16, 2008) **Plaintiff's Motion for Summary Judgment on Its Spoliation Claim with Memorandum in Support** (NO. 304CV07621) ★ ★ **HN: 8 (F.R.D.)**

- [275](#) CONTINENTAL WIRE CLOTH, LLC, an Oklahoma limited liability company, Plaintiff/Counter-Defendant, v. DERRICK CORPORATION, a New York corporation, Defendant/Counter-Plaintiff., 2010 WL 5815016, *5815016 (Trial Motion, Memorandum and Affidavit) (N.D.Okla. Sep 28, 2010) **Plaintiff's Response and Objection to Defendant's Motion to Compel** (NO. 09-CV-474-GKF-PJC) " ★ ★ HN: 9 (F.R.D.)
- [276](#) Gene R. ROMERO, et al, Plaintiffs, v. ALLSTATE INSURANCE COMPANY, et al., Defendants. Equal Employment Opportunity Commission, Plaintiff, v. Allstate Insurance Company, Defendants. Gene R. Romero, et al., Plaintiffs, v. The Allstate Corporation, et al., Defendants., 2010 WL 4091010, *4091010 (Trial Motion, Memorandum and Affidavit) (E.D.Pa. Aug 13, 2010) **Reply Brief in Support of Plaintiffs' Motion to Compel Documents Related to the Release in Accordance with the Court's April 7, 2010 Case Management Order** (NO. 01-CV-3894, RLB) ★ ★ HN: 9 (F.R.D.)
- [277](#) Natalie M. GRIDER, M.D., et al., Plaintiffs, v. KEYSTONE HEALTH PLAN CENTRAL, INC., Highmark, Inc., John S. Brouse, Capital Bluecross, James M. Mead, and Joseph Pfister, Defendants., 2008 WL 1906808, *1906808 (Trial Motion, Memorandum and Affidavit) (E.D.Pa. Feb 25, 2008) **Memorandum in Opposition to Plaintiffs' Motion to Strike Capital and the Keystone Defendants' Summary Judgment Filings** (NO. 2001-CV-05641, JKG) ★ HN: 9 (F.R.D.)
- [278](#) Patricia WRIGHT and Kevin West, on behalf of themselves and all others similarly situated, Plaintiffs, v. Owens CORNING, Defendant., 2010 WL 4546274, *4546274+ (Trial Motion, Memorandum and Affidavit) (W.D.Pa. Jul 16, 2010) **Plaintiffs' Brief in Support of Their Motion to Compel Discovery Concerning Owens Corning Fiberglass Roofing Shingles** (NO. 09-01567) ★ ★ HN: 2 (F.R.D.)
- [279](#) GRANT STREET GROUP, INC. a Pennsylvania corporation, Plaintiff, v. REALAUCTION.COM, LLC, a Florida limited liability company, Defendant., 2010 WL 3051095, *3051095+ (Trial Motion, Memorandum and Affidavit) (W.D.Pa. May 11, 2010) **Defendant Realauction.com, LLC's Memorandum of Law in Opposition to Plaintiff's Motion to Compel** (NO. 09-1407) ★ ★ HN: 2,9 (F.R.D.)
- [280](#) GRANT STREET GROUP, INC., a Pennsylvania corporation, Plaintiff, v. REALAUCTION.COM, LLC, a Florida limited liability company, Defendant., 2010 WL 3051094, *3051094+ (Trial Motion, Memorandum and Affidavit) (W.D.Pa. May 03, 2010) **Memorandum of Law in Support of Plaintiff's Motion to Compel Production of Documents and E-Discovery** (NO. 209-CV-01407) ★ ★ HN: 8 (F.R.D.)
- [281](#) Victor F. NOVAK II, M.D., F.A.C.S., Plaintiff, v. SOMERSET HOSPITAL, ET AL., Defendants., 2010 WL 1994351, *1994351+ (Trial Motion, Memorandum and Affidavit) (W.D.Pa. Jan 12, 2010) **Plaintiff's Motion to Compel Defendant Somerset Hospital's Response to Request for Production of Documents** (NO. 307CV00304) " ★ ★ ★ HN: 9 (F.R.D.)
- [282](#) Frances J. SMITH, Plaintiff, v. LIFE INVESTORS INSURANCE COMPANY OF AMERICA, Defendant., 2009 WL 2351861, *2351861 (Trial Motion, Memorandum and Affidavit) (W.D.Pa. May 19, 2009) **Plaintiff's First Motion to Compel Production of Documents Pursuant to Fed. R. Civ. P. 37** (NO. 207CV00681) " ★ ★ HN: 9 (F.R.D.)
- [283](#) DRURY DEVELOPMENT CORPORATION, Plaintiff, v. FOUNDATION INSURANCE COMPANY, Clarendon National Insurance Company, Tarheel Insurance Management Company, Tarheel Group, Steven M. Mariano, and Lucia Tompkins, Defendants., 2009 WL 1889287, *1889287 (Trial Motion, Memorandum and Affidavit) (D.S.C. Mar 30, 2009) **Memorandum of Law** (NO. 006-1285-JFA) ★
- [284](#) CHARLES E. HILL & ASSOCIATES, INC., v. ABT ELECTRONICS, INC. et al., 2010 WL 5677486, *5677486+ (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Nov 29, 2010) **Plaintiff's Motion to Compel Defendant ABT Electronics, Inc. to Produce Documents and Electronically Stored Information in a Reasonably Usable Format** (NO. 209CV00313) ★ ★ ★ HN: 2,9 (F.R.D.)

- [285](#) James HOVANAS, and James MaCalla, Plaintiffs, v. AMERICAN EAGLE AIRLINES, INC., Defendant., 2010 WL 1480554, *1480554+ (Trial Motion, Memorandum and Affidavit) (N.D.Tex. Jan 15, 2010) **Plaintiffs' Motion to Compel and Brief in Support** (NO. 309-CV-0209) " ★★★ HN: 2,9 (F.R.D.)
- [286](#) UNITED STATES OF AMERICA, Ex Rel. Cynthia I. Fitzgerald and State of Texas Ex rel. Cynthia I. Fitzgerald, Plaintiffs, v. NOVATION, LLC, et al., Defendants., 2009 WL 2610507, *2610507+ (Trial Motion, Memorandum and Affidavit) (N.D.Tex. Aug 20, 2009) **Defendants Novation, LLC and VHA Inc.'s Reply in Support of Motion for Protective Order** (NO. 303-CV-1589-N) " ★★★ HN: 9 (F.R.D.)
- [287](#) UNITED STATES OF AMERICA ex rel. Cynthia I. Fitzgerald, Plaintiffs, v. NOVATION, LLC, et al., Defendants., 2009 WL 2610506, *2610506+ (Trial Motion, Memorandum and Affidavit) (N.D.Tex. Aug 17, 2009) **Plaintiff/Relator's Response to Defendants Novation, LLC and VHA, Inc.'s Motion for a Protective Order** (NO. 303CV1589N) " ★★★ HN: 9 (F.R.D.)
- [288](#) AMERICAN AIRLINES, INC., Plaintiff, v. YAHOO! INC. and Overture Services, Inc. d/b/a Yahoo! Search Marketing, Defendants., 2009 WL 2820748, *2820748+ (Trial Motion, Memorandum and Affidavit) (N.D.Tex. Jul 13, 2009) **Plaintiff American Airlines, Inc.'s Motion to Compel Discovery and Brief in Support and Request for Expedited Consideration** (NO. 408-CV-626-A) ★★★ HN: 9 (F.R.D.)
- [289](#) PAUL MORRELL, INC. d/b/a the Event Source, Plaintiff, v. KELLOGG BROWN & ROOT, INC. et al., Defendants., 2008 WL 6600174, *6600174 (Trial Motion, Memorandum and Affidavit) (E.D.Va. Dec 04, 2008) **Defendants' Reply in Support of Their Motion to Compel** (NO. 108CV00072) " ★★★ HN: 2 (F.R.D.)
- [290](#) VERIZON SERVICES CORP., Verizon Communications Inc., MCI Communications Corp., and Verizon Business Global LLC, Plaintiffs, v. COX FIBERNET VIRGINIA, INC., Cox Virginia Telecom, Inc., Cox Communications Hampton Roads, LLC, Coxcom, Inc., and Cox Communications, Inc., Defendants., 2008 WL 2140872, *2140872 (Trial Motion, Memorandum and Affidavit) (E.D.Va. Apr 17, 2008) **Reply in Support of Verizon's Motion to Compel** (NO. 108-CV-157CMH-TRJ) " ★★★ HN: 9 (F.R.D.)
- [291](#) Marco ZALDIVAR and Robert Eric Burress, on Behalf of Themselves and Others Similarly Situated, Plaintiffs, v. T-MOBILE USA, INC., Defendant., 2008 WL 8082802, *8082802 (Trial Motion, Memorandum and Affidavit) (W.D.Wash. Dec 31, 2008) **Plaintiffs' Motion to Compel Sampling of Class Members' Call Detail Records** (NO. 07-CV-1695RAJ) " ★★★ HN: 9 (F.R.D.)
- [292](#) Mary HEDRICK, v. GENENTECH, INC., et al., 2011 WL 6096254, *1+ (Trial Motion, Memorandum and Affidavit) (Cal.Superior Aug 22, 2011) **Memorandum of Points and Authorities in Support of Plaintiffs' Motion to Compel Production of Raptiva Data from Genentech's Drug Safety Database** (NO. RG09446158) " ★★★ HN: 9 (F.R.D.)
- [293](#) In re EMERSON RADIO SHAREHOLDER DERIVATIVE LITIGATION., 2009 WL 2440366, *2440366 (Trial Motion, Memorandum and Affidavit) (Del.Ch. Aug 05, 2009) **Plaintiffs' Motion to Compel** (NO. 3392-VCL) ★★
- [294](#) John B. LIZZA, as Personal Representative of the Estate of Narei Fina Ngwenya Deceased, Plaintiff, v. FORD MOTOR COMPANY, a Delaware corporation, and Donnell D. Sears, an individual, Defendants., 2008 WL 6059621, *6059621 (Trial Motion, Memorandum and Affidavit) (Mich.Cir.Ct. May 14, 2008) **Ford Motor Company's Response to Plaintiff's Supplemental Brief in Support of 9/19/07 Motion to Compel Discovery** (NO. 06618613NP) ★★

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- [295](#) Kyle SAWYER, Individually and on behalf of all others similarly situated, Plaintiff, v. BILL ME

LATER, INC.; eBay Inc., Paypal, Inc., Defendants., 2011 WL 1159979, *1159979 (Trial Filing) (C.D.Cal. Jan 31, 2011) **Joint Rule 26(f) Report and (Proposed) Order** (NO. CV-10-4461SJO, JCGX) " ★ ★

[296](#) MOUNT VERNON FIRE INSURANCE COMPANY, a Pennsylvania corporation, Plaintiff, v. NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, an Illinois corporation, as successor in interest to Transcontinental Insurance Company, Defendant., 2008 WL 5183405, *5183405 (Trial Filing) (M.D.Fla. Sep 12, 2008) **Parties' Joint Statement on Issues Remaining to be Resolved in Dependant's Motion to Compel (DKT. 90)** (NO. 07009252, 07CV01593) ★ ★

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[297](#) In re: KATZ INTERACTIVE CALL PROCESSING PATENT LITIGATION. This document relates to: all ""C"" Track Actions. Ronald A. Katz Technology Licensing, L.P., Plaintiff, v. Avon Products, Inc., et al., Defendants., 2007 WL 4881294, *4881294 (Verdict, Agreement and Settlement) (C.D.Cal. Dec 13, 2007) **Joint Stipulation and Argument re Discovery Case Management Order** (NO. 07-ML-01816-C-RGK, FFMX) " ★ ★ **HN: 9 (F.R.D.)**

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