

Case Update

❖ Summary of Class Orders & Motions

- On March 30, 2011, the Court issued its Order Granting in Part and Denying in Part *Plaintiff's Motion for Class Certification*.
- On April 13, 2011, Defendant Wyeth filed a Motion for Reconsideration of Order Granting *in Part and Denying in Part Plaintiff's Motion for Class Certification*.
- On July 13, 2011, the Court entered its *Order Denying Defendant's Motion for Reconsideration*.
- On July 27, 2011, Defendant Wyeth filed a Petition with the U. S. Court of Appeals for the Ninth Circuit requesting permission to appeal the District Court's Order Granting Class Certification and its Order Denying Reconsideration.
- On October 18, 2011, the U. S. Court of Appeals for the Ninth Circuit issued an Order denying Defendant Wyeth's Petition for permission to appeal the District Court's Order Granting Class Certification and its Order Denying Reconsideration.
- On September 10, 2012, Defendant Wyeth filed a Motion for Summary Judgment; a Motion to Exclude the Testimony of Professor Meredith Rosenthal; and, a Motion for Decertification.
- On October 8, 2012, Plaintiff filed Responses in Opposition to *Defendant Wyeth's Motion* for Summary Judgment; Motion to Exclude the Testimony of Professor Meredith Rosenthal; and, Motion for Decertification.
- On October 18, 2012, Defendant Wyeth filed Replies in Support of its Motion for Summary Judgment; Motion to Exclude the Testimony of Professor Meredith Rosenthal; and, Motion for Decertification.
- On December 20, 2012, the Court held a Hearing and received Oral Argument from the parties on *Defendant Wyeth's* Motion for Summary Judgment; Motion to Exclude the Testimony of Professor Meredith Rosenthal; and, Motion for Decertification.
- On September 27, 2013, the Court issued an Order Denying as Moot without Prejudice *Defendant's Motions [Doc. Nos. 206, 208, and 209]* and *Inviting the Parties to File Supplemental Briefs Addressing Modification of, or Amendment to the Class Definition*.
- On November 12, 2013, Plaintiff filed a Supplemental Brief to Address and Suggest a Modification of the Current Class Definition. On that same date, Defendant Wyeth filed a Supplemental Memorandum on Modification of the Class Definition.

- On December 6, 2013, Plaintiff filed a *Response in Opposition to Defendant Wyeth's Supplemental Memorandum on Modification of the Class Definition*. On that same date, Defendant Wyeth filed an *Opposition to Plaintiff's Supplemental Brief to Address and Suggest a Modification of the Current Class Definition*.
- On October 7, 2015, the Court issued an Order on Supplemental Briefs [Doc. 295] which denied Wyeth's request to decertify the Class and granted a modification to the Class definition. Per the Court's order and modification, the certified Class in this case includes:
 - **All California consumers who purchased Wyeth's Hormone Replacement Therapy products, Premarin, Prempro, and/or Premphase, for personal consumption between January 1995 and January 2003, and who do not seek personal injury damages resulting therefrom.**
- On January 8, 2016, Defendant Wyeth filed a Motion to Permit Discovery from Absent Class Members and Prescribers.
- On January 22, 2016, Plaintiff filed a Response in Opposition to Defendants' Motion to Permit Discovery from Absent Class Members and Prescribers.
- On March 28, 2016, Defendant Wyeth filed a renewed Motion to Exclude the Testimony of Professor Meredith Rosenthal; an Omnibus Motion to Exclude the Testimony of Plaintiff's Medical Experts for Failure to Provide Competent Expert Reports; and, a Motion to Exclude the Testimony of Drs. Blume, Austin, Parisian, Hollon, and Fugh-Berman.
- On April 4, 2016, Magistrate Judge Dembin issued an Order denying the *Defendants' Motion to Permit Discovery from Absent Class Members and Prescribers*.
- On April 11, 2016, Plaintiff filed Responses in Opposition to Defendant Wyeth's Motion to Exclude the Testimony of Professor Meredith Rosenthal; Wyeth's Omnibus Motion to Exclude the Testimony of Plaintiff's Medical Experts for Failure to Provide Competent Expert Reports; and, Wyeth's Motion to Exclude the Testimony of Drs. Blume, Austin, Parisian, Hollon, and Fugh-Berman.
- On April 18, 2016, Defendant Wyeth filed an Objection to the Magistrate Judge's Order denying the *Defendants' Motion to Permit Discovery from Absent Class Members and Prescribers*.
- On May 13, 2016, Plaintiff filed a *Response in Opposition to Wyeth's Objections to the Order of the Magistrate Judge Denying Motion to Permit Discovery from Absent Class Members and Prescribers*.
- On May 16, 2016, Defendant Wyeth filed a renewed Motion for Summary Judgment.
- On July 8, 2016, Plaintiff filed a *Response in Opposition to Defendant Wyeth's Motion for Summary Judgment*.

- On July 29, 2016, the Court held a hearing and received oral argument from the parties on Defendant Wyeth's pending Daubert Motions and Motion for Summary Judgment.
- On August 2, 2016, Plaintiff filed a document requested by the Court during the July 29, 2016 hearing, to wit: excerpts from the deposition transcript of Dr. Sharon A. Winer, M.D., (pp. 142-145 and 283-289).
- On October 10, 2016, Defendant Wyeth Filed a Notice of Supplemental Authority in Support of its Motion for Summary Judgment and Daubert Motion.
- On October 18, 2016, Plaintiff filed a Response to *Wyeth's* Notice of Supplemental Authority in Support of its Motion for Summary Judgment and Daubert Motion.
- On January 19, 2017, the Court issued an Order on its own motion, vacating the final pretrial conference scheduled for February 27, 2017.

❖ **Status of Case**

- Per the Court's Order of January 19, 2017, the final pretrial conference and attendant pretrial deadlines will be rescheduled after the Court rules on Wyeth's pending Motion for Summary Judgment.
- At this time, a trial date has not been set. Please Check this website to be kept informed of a trial date and other important events or dates. Although you are not required to attend the trial, you are certainly welcome to do so.