

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**CIVIL MINUTES**

<b>Date:</b> November 8, 2019	<b>Time:</b> 2 hours, 2 minutes 2:03 p.m.to 4:15 p.m.	<b>Judge:</b> WILLIAM H. ORRICK
<b>Case No.:</b> <a href="#">19-md-02913-WHO</a>	<b>Case Name:</b> In Re: Juul Labs, Inc., Marketing, Sales Practices	

**Attorneys for Plaintiffs:** Sarah London, Ellen Relkin, Joseph VanZandt, Adam Gutride, Esfand Nafisi, E. Michelle Drake, Christopher Gold, Michael A. London, Gale Pearson, Ann Saucer, Rand P. Nolen, Linda P. Nussbaum, Daniel S. Robinson, Jonathan G. Gdanski, Dean Kawamoto, Jonathan Jenus, Bonny E. Sweeney, Emily Jeffcott, Seth R. Lesser, Stacey Slaughter, Laurence D. King, Khaldoun A. Baghdadi, Scott P. Schlesinger, Erin Dickinson, Wendy Fleishman, Jeanmarie Whalen, Domenic B. Sanginiti, Buffy Martines, Dena C. Sharp, Scott A. Powell, Michael Weinkowitz, Kristine Kelley Kraft, Mikal Watts, Matthew S. Covington, Gretchen Freeman Cappio, Derek W. Loeser, Scott S. Segal, Tracy A. Finken, Susanne N. Scovern, Thomas P. Cartmell, David Bernick, Paul Weiss, Jason S. Rathod, Ariana J. Tadler, Sabita J. Soneji, Mark A. Gottlieb, Andrew Rainer, Trey Frazer, John C. Massaro, Nathan C. Bess, Thomas A. Zimmerman, Jr., Leslie LaMacchia, Ken Moll, Charles Neirlich, Bradley B. Honnold, Matt Schultz, Rachel Abrams, Danielle Mason, and Nicholas Farnola.

**Attorneys for Defendant:** Sean A. McCormick, David E. Kouba, Edward F. McTiernan, John C. Massaro, Austin Van Schwing, Tyler Doh, Deborah L. Stein, Mike Brock, and Renee D. Smith, Brett Schuman, and Elizabeth J. Low.

**Deputy Clerk:** Jean Davis

**Court Reporter:** Ana Dub

**PROCEEDINGS**

Counsel appear for Initial Status Conference and hearing as to the initial census and applications for the Plaintiffs' Leadership Structure.

Court queries counsel Sarah London as to the status of the initial census. The Court would like to have counsels' agreement as to a vendor (or a letter brief outlining dispute as to appropriate vendor) as soon as possible, but no later than **November 15, 2019**. The Court's intent regarding the initial census is to get information concerning the scope, types, and number of cases in MDL in order to set the Leadership Structure and formulate effective Case Management Orders to move MDL along briskly and efficiently. The Court's view is that for filed cases, only limited information regarding fact of use (but not full information regarding timing and use of other

products) is necessary for each plaintiff under penalty of perjury. From the defense side, defendants are encouraged to produce sales data within their control for inclusion within the census platform. That process should be largely reciprocal. If defendants want access to the initial census data, reciprocal access to their sales data would seem reasonable. The parties should continue to utilize the assistance of Professor Dodge as appropriate regarding the preparation of the initial census.

Ms. London and Ms. Sharp heard as to appropriate Leadership Structure and suggestions for efficient litigation of the MDL. Thereafter, each attorney seeking a position in the Leadership Structure in this MDL was briefly heard.

The Court emphasized that any interim MDL appointments are just that, interim. However, to move the litigation forward while the initial census information is collected and reviewed, and until the final Leadership Structure appointments are made, the Court appoints in an interim capacity Ms. London, Ms. Relkin, Ms. Sharp, and Mr. Kawamoto to move the initial discovery process forward and to address other issues as necessary.

Defense counsel heard. Defense counsel are encouraged to work collaboratively with the interim-appointed plaintiffs' discovery counsel to agree to a protective order, ESI protocol, and to facilitate preliminary discovery, including initial disclosures and inclusion of sales information in the census platform.

There will be a telephonic Further Case Management Conference on **December 9, 2019 at 3:00 p.m.** Ms. London is responsible for securing a service for that call and circulating the call-in information to defense counsel, plaintiffs' counsel, and the Court. The interim plaintiffs' counsel appointed to work on the census and initial discovery (Ms. London, Ms. Relkin, Mr. Van Zandt, Mr. Kawamoto, and Ms. Sharp) shall meet and confer with defense counsel and file a Joint Proposed Agenda by **December 5, 2019.**

A further telephonic Case Management Conference is set for **January 6, 2020 at 3:00 p.m.** The Joint Proposed Agenda shall be filed by January 2, 2020. Assuming that adequate census information is available for the Court's review by the end of December, the Court expects to appoint members to the Plaintiffs' Leadership Structure in advance of the January 2020 telephonic conference.