

JUL - 7 2015

TONY R. MOORE, CLERK
BY JB DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE: ACTOS® (PIOGLITAZONE)
PRODUCTS LIABILITY LITIGATION

MDL No. 6:11-md-2299

JUDGE DOHERTY

This Document Applies To:

Shafe v. Takeda Pharmaceutical Co., Ltd., et al
Case No. 6:15-cv-01809

MAGISTRATE JUDGE HANNA

RULING

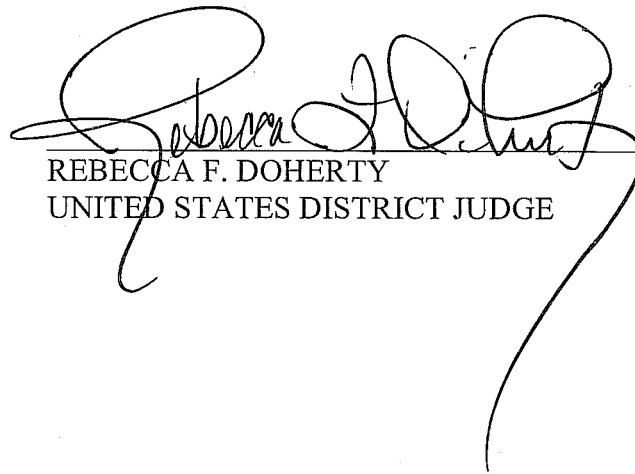
The Court received a motion, entitled Unopposed Motion for Leave to Register Out of Time [Rec. Doc. 2], requesting leave to register the captioned claim in the Census of Claims after the deadline given in this Court's Case Management Order Regarding Census of Claims [MDL Rec. Doc. 5551] ("the Census Order"). Co-Lead Counsel of the Plaintiffs' Steering Committee ("PSC") filed a response to the motion, indicating that they do not oppose inclusion of the captioned claim in the Census [MDL Rec. Doc. 5743]. The Court now turns to the merits of the motion.

The motion indicates that counsel failed to register the captioned claim by the deadline because counsel did not receive notice of the Census Order, because the case was not filed with this Court until June 4, 2015. However, counsel's subsequent filing shows that a retainer agreement existed between Plaintiff and counsel, for purposes of pursuing a claim against Takeda, prior to May 1, 2015 [MDL Rec. Doc. 5742], as contemplated by the MSA and Order Regarding Settlement Agreement and Deadlines [MDL Rec. Doc. 5552]. After considering each of these factors, and the lack of opposition by the PSC and Defendants, the Court finds that counsel's failure to register with the Census prior to the deadline does fall within the scope of "excusable neglect" referenced in FED.R.CIV.P. 6(b)(1). The Court notes, however, that

excusable neglect is a narrow concept which this Court does not apply lightly, and this determination should not be seen as precedent for any future filings that might come after this ruling.

IT IS HEREBY ORDERED counsel's Unopposed Motion for Leave to Register Out of Time [Rec. Doc. 2] is GRANTED.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 1st day of July, 2015.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE