

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	22md3043 (DLC)
IN RE: Acetaminophen - ASD-ADHD	:	22mc3043 (DLC)
Products Liability Litigation	:	
	:	<u>ORDER:</u>
-----	X	<u>MASTER ANSWERS AND</u>
		<u>RULE 41(a) DISMISSALS</u>

DENISE COTE, District Judge:

This Order establishes the dates on which Master Answers will be deemed to have been served in Member Cases, including for purposes of Rules 12(a)(1)(A) and 41(a)(1)(A)(i), Fed. R. Civ. P.

An Order of May 23, 2023 set forth the schedule for the filing of the defendants' Master Answers and the filing of amended short form complaints ("SFC") for Member Cases pending on or before July 31, 2023. On July 25, 2023, the plaintiffs filed Amended Master Complaints. The July 31, 2023 Order: Amended SFC and Renewed Motions to Dismiss approved the amended SFC template for use in this multidistrict litigation and directed future plaintiffs to file and serve SFCs using the amended SFC template. Accordingly, it is hereby

ORDERED that the defendants' Master Answers shall be filed by **August 22, 2023**.

IT IS FURTHER ORDERED that in any Member Cases pending on or before July 31, 2023, the plaintiffs shall file by **August 30,**

2023 an amended SFC on their individual member case docket using the amended SFC template and upload the same to MDL Centrality in accordance with the January 9, 2023 Order: Short Form Complaints (22MC3043: ECF No. 38). The amendments to the SFC shall be limited to revisions that reflect the Court's rulings on the defendants' motions to dismiss, that add defendants already identified in a plaintiff's previously filed PFS, or that have the written consent of all of the defendants named in the SFC. The joinder of a defendant through the amendment of the SFC, as permitted by this Order, shall not be deemed a waiver of that defendant's objections to service, jurisdiction, or venue, and will not waive any defenses to any claims or issues not pleaded in the Amended Master Complaint.

IT IS FURTHER ORDERED that any other amendment to any SFC, including the joinder of additional parties, the identification of an additional product, and/or the addition of a claim, shall require the written consent of all defendants in the action or leave of Court, pursuant to Fed. R. Civ. P. 16.

IT IS FURTHER ORDERED that dismissal of any defendant from an action for the purpose of either curing a product misidentification or a purchase history inconsistency shall be effectuated by August 30, 2023, through a stipulation of dismissal executed by all of the parties to the action and filed on the Master Docket and the individual Member Case docket.

IT IS FURTHER ORDERED that, as set forth in the December 9, 2022 Order: Scheduling Master Complaints, SFCs, and Motions to Dismiss, a Master Answer shall constitute the defendants' answer to the Amended Master Complaint and to any SFC to which the Amended Master Complaint applies, except that a defendant's Master Answer will not waive any objections to service, jurisdiction, or venue, and will not waive any defenses to any claims or issues not pleaded in the Amended Master Complaint.

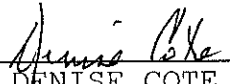
IT IS FURTHER ORDERED that for purposes of Rules 12(a)(1)(A) and 41(a), Fed. R. Civ. P., the following provisions will apply:

- For any Member Case in which the defendant was first served on or before August 1, 2023, the Master Answer applicable to that Member Case shall be deemed filed and served on the plaintiff as of the date of its filing on the Master Docket (22MD3043). Any plaintiff seeking to voluntarily dismiss his or her action as against a defendant who has filed its Master Answer must do so pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) or (a)(2).
- For any Member Case in which the defendant is first served on or after August 2, 2023, the Master Answer applicable to that Member Case shall be deemed served on the plaintiff twenty-one (21) days after service of the SFC on the defendant. Any plaintiff seeking to voluntarily

dismiss his or her action more than twenty-one (21) days
after service of the SFC must do so pursuant to Fed. R. Civ.

P. 41(a)(1)(A)(ii) or (a)(2).

Dated: New York, New York
August 16, 2023



DENISE COTE
United States District Judge