

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Mavis Burt,	)	
	)	
Plaintiff,	)	<b>CASE MANAGEMENT ORDER III</b>
	)	
vs.	)	
	)	
Novartis Pharmaceuticals Corporation,	)	
	)	Case No. 1:12-cv-128
Defendant.	)	

This case was originally filed in the Southern District of New York, moved to the Middle District of Tennessee for review by the MDL Court, and then transferred to this district for trial. While this case was still pending before the MDL Court, Defendant Novartis Pharmaceuticals Corporation ("Novartis") filed summary judgment and Daubert motions, a number of which are still pending.<sup>1</sup> At this court's direction, the parties have submitted a list of the pending motions and their corresponding MDL docket numbers.

Although the pending motions were filed in the Middle District of Tennessee, it is this court that is tasked with disposing of them. For this court's convenience and to ensure that the issues raised by the parties are preserved in the record in this district, the court is inclined to require the parties to re-file in this district their motions, supporting briefs, and briefs in opposition.

Accordingly, the pending summary judgment and Daubert motions filed by Novartis in the Middle District of Tennessee are deemed **MOOT**. Novartis shall re-file these motions and supporting briefs in this district by August 23, 2013. Plaintiff shall re-file her responsive briefs to

<sup>1</sup> These motions are located only on the Middle District of Tennessee's docket and have not been transferred to this district.

Novartis' motions by September 13, 2013. Statements of fact and any orders issued by the MDL panel in conjunction with these motions should be filed as attachments to the parties' respective briefs. The re-filed motions and briefs should be updated to: (1) reflect the caption and case number assigned to this matter in this district; (2) address Eighth Circuit case law where applicable; and (3) advise the court of any material developments that may have occurred since the motions were first filed in the Middle District of Tennessee.

**IT IS SO ORDERED.**

Dated this 19th day of July, 2013.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court