

1 Michael K. Johnson
Kenneth W. Pearson
2 **JOHNSON BECKER, PLLC**
3 33 South Sixth Street, Suite 4530
Minneapolis, Minnesota 55402
4 Telephone: (612) 436-1800
5 Facsimile: (612) 436-1801
6 mjohnson@johnsonbecker.com
kpearson@johnsonbecker.com

7
8 Ryan L. Thompson
9 **WATTS GUERRA LLP**
5250 Prue Road, Suite 525
10 San Antonio, Texas 78240
11 Telephone: (210) 448-0500
12 Facsimile: (210) 448-0501
rthompson@wattsguerra.com

Hunter J. Shkolnik
**NAPOLI, BERN, RIPKA &
SHKOLNIK LLP**
350 Fifth Avenue
New York, New York 10018
Telephone: (212)267-3700
Facsimile: (212)587-0031
hunter@napolibern.com

Tor A. Hoerman
TORHOERMAN LAW LLC
101 W. Vandalia Street, Suite 350
Edwardsville, Illinois 62025
Phone: (618) 656-4400
Facsimile: (618) 656-4401
thoerman@torhoermanlaw.com

13
14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 **IN RE: INCRETIN-BASED**
17 **THERAPIES PRODUCTS**
18 **LIABILITY LITIGATION**

19 **Relates to: ALL CASES**
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MDL No. 13-md-2452-AJB(MDD)

**NOTICE OF MOTION AND MOTION
TO COMPEL DISCOVERY OF
ADVERSE EVENT SOURCE
DOCUMENTS AND DATABASES**

Date: October 9, 2014

Time: 2:00 p.m.

Courtroom: 3B

Oral Argument Requested

1 **TO DEFENDANTS AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that on October 9, 2014, at 2:00 p.m., in Courtroom
3 3B, Edward J. Schwarz Courthouse, 221 West Broadway, San Diego, California 92101,
4 Plaintiffs will move the Honorable Anthony J. Battaglia for an Order compelling the
5 production of Defendants' adverse event source documents and databases, and awarding
6 Plaintiffs their costs and attorneys' fees incurred in bringing this motion.

7 This motion is brought pursuant to Fed. R. Civ. P. 37 on the ground that Defendants
8 have failed to produce their adverse event source documents and databases, which are
9 highly relevant to general causation and preemption; are not unduly burdensome for
10 Defendants to produce; and are required by Plaintiffs in order to respond to the general
11 causation and preemption issues raised by the defense. This motion is supported by
12 Plaintiffs' Certificate of Compliance with LR 26.1(b); and Plaintiffs' Memorandum of
13 Points and Authorities in Support of Motion to Compel Discovery of Adverse Event
14 Source Documents and Databases and exhibits thereto. Plaintiffs' Motion to File Certain
15 Documents Under Seal in Support of Their Motion to Compel Discovery of Adverse
16 Event Source Documents and Databases by Party that Partially Opposes Sealing is also
17 being filed concurrently with this Motion.

18
19 DATED: August 12, 2014

PLAINTIFFS' COUNSEL

20 s/ Michael K. Johnson

21 Michael K. Johnson

22 **JOHNSON BECKER, PLLC**

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2014, I caused the above document to be filed via the CM/ECF system for the Southern District of California, and the CM/ECF system served the same upon all registered users at their registered email addresses.

s/Michael K. Johnson

Michael K. Johnson

Attorney for Plaintiffs

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