

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

**IN RE: EpiPen (Epinephrine
Injection, USP) Marketing,
Sales Practices and Antitrust
Litigation**

MDL No: 2785

Case No. 17-md-2785-DDC-TJJ

**(This Document Applies to
All Cases)**

**ORDER REAPPOINTING DEFENDANTS' LIAISON COUNSEL
AND REMOVING COUNSEL FROM THE STEERING COMMITTEE**

The court previously appointed Philip A. Sechler of Robbins, Russell, Englert, Orseck, Untereiner & Sauber, LLP as liaison counsel for all defendants. [Doc. 552 at 2](#). Mr. Sechler represents the Mylan defendants in the *Sanofi* track of this MDL.

On December 17, 2020, the court issued a Memorandum and Order granting the parties' cross-motions for summary judgment in the *Sanofi* track. [Doc. 2254](#). With the court's ruling, the *Sanofi* track of the litigation comes to an end in this court. Mr. Sechler now asks the court to replace him as defendants' liaison counsel with Brian C. Fries of Lathrop GPM, LLP. Mr. Fries has agreed to this replacement. And, all other parties consent to Mr. Sechler's removal as defendants' liaison counsel and Mr. Fries's replacement in this role. Based on the parties' agreement and for good cause shown, the court appoints Brian C. Fries of Lathrop GPM, LLP as liaison counsel for all defendants. Consistent with its previous Orders ([Doc. 40 at 7](#); [Doc. 552 at 2-3](#)), the court also orders the following:

- Defendants' liaison counsel is designated as the counsel for all defendants in all cases upon whom others must serve all notices, orders, pleadings, motions, discovery, and memoranda.
- Defendants' liaison counsel is authorized to: (a) receive orders, notices, correspondence, and telephone calls from the court and the clerk of the court on defendants' behalf; (b) prepare and transmit copies of such orders and notices on defendants' behalf; and (c) receive orders and notices from the Judicial Panel on Multidistrict Litigation.
- Defendants' liaison counsel shall maintain complete files with copies of all documents served and make such files available to all defendants' counsel on request.

Also, with this Order, the court removes one member from plaintiffs' Steering Committee. The court previously appointed Eric Hochstadt of Weil, Gotshal & Manges, LLP to plaintiffs' Steering Committee. Doc. 40 at 6. Mr. Hochstadt represents plaintiff Sanofi-Aventis US, LLC in the *Sanofi* track of this MDL. Because that litigation track now has concluded, the court removes Mr. Hochstadt from plaintiffs' Steering Committee. The court will leave Mr. Hochstadt's position on plaintiffs' Steering Committee vacant unless plaintiffs' counsel moves the court to appoint another attorney in his place. Plaintiffs' counsel must file any motion seeking to appoint substitute counsel to plaintiffs' Steering Committee on or before **February 10, 2021**. Any motion seeking to appoint substitute counsel must provide the appropriate information about the proposed substitute counsel's qualifications for selection, including the factors set out in MCL 4th Section 10.224, and any case specific issues that might inform the court's decision whether to appoint a substitute to the plaintiffs' Steering Committee. If no

motion is filed by February 10, 2021, the court will not replace Mr. Hochstadt's position on plaintiffs' Steering Committee.

IT IS SO ORDERED.

Dated this 28th day of January 2021, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge