



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

1 NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

IN RE: PROTON-PUMP INHIBITOR PRODUCTS LIABILITY LITIGATION This Document
Relates to: All cases listed in Exhibit A

2:17-MD-2789 (CCC)(LDW)

(MDL 2789) OPINION AND ORDER

CECCHI, District Judge.

I. Introduction

This matter comes before the Court upon Case Management Order (“CMO”) No. 60, ECF No. 709, entered on November 19, 2021, which identified 962 cases in which Pfizer, Inc. 1 (“Pfizer”) alleged that service of the summons and complaint had not been effected and in which no proof of service appeared on the docket of the case. CMO No. 60 ordered the plaintiffs in those cases within thirty days to (1) establish that service was effected on Pfizer as required by Rule 4(m) of the Federal Rules of Civil Procedure 2

by filing proof of service, (2) voluntarily dismiss Pfizer, or (3) show cause why Pfizer should not be dismissed within thirty days of entry of the Order. CMO No. 60, at 2, ECF No. 709. CMO No. 60 ordered Plaintiffs to file their responses on the dockets of the individual cases, and permitted Pfizer to oppose within thirty days of each plaintiff’s response.

3 Plaintiffs were specifically advised that “[f]ailure to comply with the terms of this Order will result in the dismissal of the case as to Pfizer.” CMO No. 60, at 2.

1 Sometimes identified as Pfiser, Inc. 2 All references to Rules herein are to the Federal Rules of Civil Procedure. 3 At the request of the parties, the deadline for plaintiffs to file responses to CMO No. 60 was extended to March 31, 2022, and then June 30, 2022. See CMO No. 67, at § I.D, ECF No. 747;



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

CMO No. 70, at ¶ B, ECF No. 769. The deadline for Pfizer to oppose each plaintiff's response was extended to May 15, 2022, then August 16, 2022, and then to October 17, 2022. See CMO No. 67, at § I.D, ECF No. 747; CMO No. 70, at ¶ B, ECF No. 769; CMO No. 78, at ¶ A, ECF No. 841.

2 II. Legal Standard

Rule 4 governs the requirements regarding serving a summons. In particular, Rule 4(m) requires that “[i]f a defendant is not served 90 days after the complaint is filed, the court – on motion or on its own after notice to plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m). In the Third Circuit, establishing good cause requires a “demonstration of good faith on the part of a party seeking an enlargement and some reasonable basis for noncompliance with the time specified in the rules.” MCI Telecomms. Corp. v. Teleconcepts, Inc., 71 F.3d 1086, 1097 (3d Cir. 1995). 4

In the absence of a showing of good cause for failure timely to effect service, the Court has discretion either to dismiss a case or permit an extension. Id. at 1098 (citing Petrucelli v. Bohringer & Ratzinger, 46 F.3d 1298, 1305 (3d Cir. 1995)). It is the plaintiff's burden to demonstrate good cause for such failure to effectuate timely service or to persuade the Court to exercise its discretion and not dismiss Pfizer from their cases. Spence v. Lahood, No. 11-3972, 2012 U.S. Dist. LEXIS 80015, at *15 (D.N.J. June 8, 2012) (citing McCurdy v. Am. Bd. of Plastic Surgery, 157 F.3d 191, 196 (3d Cir. 1998)).

III. Discussion

As stated above, CMO No. 60 ordered the identified plaintiffs within thirty days to either establish that service was properly effectuated pursuant to Rule 4(m), voluntarily dismiss Pfizer,

4 Plaintiffs note that the version of Rule 4 quoted in MCI Telecomms is no longer applicable after an amendment in 1993. The amendment removed “good cause” as an absolute prerequisite for an extension of service. However, as explained above, the good cause standard still exists in Rule 4(m). The amendment merely allows courts, in the absence of good cause, to exercise their discretion to allow an extension if the circumstances warrant. Notably, the Court's Opinion and Order here is based on the current version of Rule 4(m).

3 or show cause why Pfizer should not be dismissed. CMO No. 60 did not provide these plaintiffs with an extension of time to serve the Complaint, instead, it directed Plaintiffs to prove that service had in fact been effectuated or to “show cause why Pfizer should not be dismissed.”

The 640 plaintiffs in the cases identified on Exhibit A herein (“Plaintiffs”) have failed to satisfy the requirements of CMO No. 60. Plaintiffs do not claim to have timely served Pfizer and fail to show cause why these cases should proceed despite their lack of compliance with Rule 4(m). See CMO No.



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

7, at § II.D (“Absent agreement of the parties or subsequent Order of the Court, service of process shall be effectuated as required under Rule 4 of the Federal Rules of Civil Procedure.”). Pfizer did not agree to any modifications to service procedures from those set forth in the Federal Rules of Civil Procedure. Pfizer did not agree to accept service via e-mail, nor did it agree to receive waivers of service via e-mail. Cf. CMO No. 7, at § II.D, ECF No. 112; CMO No. 27, at § I.D, ECF No. 260; CMO No. 32, ECF No. 396; CMO No. 79, ECF No. 842.

Of the 640 cases at issue here, Plaintiffs and Pfizer agree that Pfizer had not been served at all in 61 of them. In the other 579 cases, Plaintiffs concede that Pfizer was served only after CMO No. 60 was entered. Of the 579 cases where one or both of the parties assert that Pfizer was served after CMO No. 60 (and utilizing the earlier purported date of service in the event that the parties did not agree on the date of service), service was made between one to two years after the ninety-day period in Rule 4(m) in 41 cases; between two to three years after the ninety-day period in 80 cases; and between three to just over four years after the ninety-day period in 458 cases. No Plaintiff here has dismissed Pfizer from their case. Accordingly, due to untimely service and lack of good cause shown, it is appropriate that Pfizer be dismissed from the cases identified in Exhibit A.

a. Plaintiffs Do Not Demonstrate Good Cause Mandating an Extension of Time

to Serve

4 Plaintiffs’ responses to CMO No. 60 do not demonstrate good cause excusing their lack of timely service pursuant to Rule 4(m). Good cause requires “a demonstration of good faith on the part of the party seeking an enlargement . . . and some reasonable basis for noncompliance with the time specified in the rules.” MCI Telecomms. Corp., 71 F.3d at 1097. To determine whether good cause exists, the Court considers “(1) reasonableness of plaintiff’s efforts to serve (2) prejudice to the defendant by lack of timely service and (3) whether plaintiff moved for an enlargement of time to serve.” Id. The primary focus must always be on “the plaintiff’s reasons for not complying with the time limit in the first place.” Id. Yet here, Plaintiffs have not even attempted to show good cause for their failure to timely serve or addressed the reasons for untimeliness. See, e.g., Pl. Allen Pyne’s Resp. to Orders to Show Cause Regarding Service of Process, Ex. A, No. 2:18-cv-06938, ECF No. 10-1 (“Pyne Resp.”). Accordingly, as the Court further explains, Plaintiffs have failed to demonstrate good cause for failure to timely serve in compliance with Rule 4(m).

As an initial matter, the Court notes that Plaintiffs responded to CMO No. 60 by filing virtually identical responses that do not reference Pfizer’s specific conduct. These responses attached an exhibit with limited information about the Plaintiffs’ individual cases, but did not include any documentation to support their assertions in the exhibit. The information in these exhibits filed by Plaintiffs includes such information as the date of alleged service (if any), whether a defendant had filed a notice of appearance, whether a defendant had filed a short form answer, whether a Plaintiff Fact Sheet had been uploaded to Marker Group, whether a Defense Fact Sheet had been served, and



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

whether a defendant had sent a deficiency letter related to the Plaintiff Fact Sheet. See, e.g., Pyne Resp.; Nancy Hignite's Resp. to Order to Show Cause Regarding Service of Process, No. 2:18-cv-02649, ECF No. 12 ("Hignite Resp."). In addition, Plaintiffs' briefing does

5 not address any reasons for the failure to timely serve and instead focuses on arguments concerning Pfizer's purported waiver of service and the Court's authority for discretionary extensions. See *Houser v. Williams*, No. 16-9072, 2020 U.S. Dist. LEXIS 43518, at *6 (D.N.J. Mar. 12, 2020) (citing *MCI Telecomms. Corp.*, 71 F.3d at 1097) (finding dismissal warranted where plaintiff did not serve the complaint for months after an agreed-upon extension and then failed to detail any steps he took towards serving defendant within the extended time afforded by the court).

Turning to the factors for evaluating good cause, the first factor examines the reasonableness of the plaintiff's efforts to serve the complaint. As noted, Plaintiffs offer no explanation for the failure to timely serve, nor an adequate description of reasonable steps that plaintiffs took to effectuate timely service as required by Rule 4(m). And none of the Plaintiffs at issue here were close to satisfying timely service under Rule 4(m). As previously stated, in 579 cases, service was effected at least one year after the ninety-day period under Rule 4(m) had lapsed; in 458 of the 579 cases, or 79 percent, service was effected over three years after the ninety-day period under Rule 4(m) had lapsed. The 61 Plaintiffs who have never served Pfizer also did not provide any explanation justifying why they have yet to serve Pfizer. Given Plaintiffs' lack of sufficient efforts to serve the complaint, this factor weighs heavily in favor of Pfizer.

Under the second factor, the Court considers prejudice to Pfizer by lack of timely service. Here, Plaintiffs' failure to serve caused Pfizer to expend time and resources through investigation, consultation with opposing counsel, and advocating for and responding to case management orders – all to determine whether Plaintiffs intended to pursue litigation against them. *W. Coasts Quartz Corp. v. M.E.C. Tech, Inc.*, 2017 WL 1944197, at *2 (D.N.J. May 9, 2017). Moreover, this Court has previously determined that Pfizer has been prejudiced by the delayed service or non-service. See *Order Regarding CMO No. 60*, at 7, ECF No. 887. Given the prejudice to Pfizer resulting

6 from Plaintiffs' failure to timely serve, this factor cuts against good cause. Even if Plaintiffs had demonstrated lack of prejudice to Pfizer, "absence of prejudice alone can never constitute good cause to excuse late service." *MCI Telecomms Corp.*, 71 F.3d at 1097.

Finally, under the third factor, while Plaintiffs have now requested an extension of time to serve Pfizer, they did so only after CMO No. 60 was entered, which was a year or more after the time to serve Pfizer in compliance with Rule 4(m) had lapsed. See, e.g., Pyne Resp.; Hignite Resp. Plaintiffs have not explained why they did not request an extension of time to serve Pfizer until after CMO No. 60 was entered by this Court. Accordingly, this factor similarly weighs in favor of Pfizer and against Plaintiffs' showing of good cause.



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

Considering the three factors used to evaluate whether good cause has been demonstrated, Plaintiffs here have not demonstrated good cause for their failure to serve Pfizer in compliance with Rule 4(m).

b. Plaintiffs Have Not Persuaded the Court That a Discretionary Extension is

Warranted In the absence of a showing of good cause mandating an extension to effectuate service, the Court nonetheless has discretion to either dismiss the case or permit extension. Because Plaintiffs have not established good cause, see *supra*, they must rely on the Court's discretionary authority to excuse failures to comply with Rule 4(m). See *Edwards v. Hillman*, 849 F. App'x. 23, 25 (3d Cir. 2021) (citing *Petrucelli*, 46 F.3d at 1305). The Court's exercise of discretion in this area is guided by various factors, including: "actual notice of the legal action; prejudice to the defendant; the statute of limitations on the underlying causes of action; the conduct of the defendant; and whether the plaintiff is represented by counsel, in addition to any other factor that may be relevant." *Chiang v. U.S. Small Bus. Admin.*, 331 Fed. App'x 113, 116 (3d Cir. 2009); see also *Spence*, 2012 U.S. Dist. LEXIS 80015, at *15. Here, considering these factors, Plaintiffs have

7 not met their burden in persuading the Court that such discretion should be exercised under these circumstances.

With respect to the first factor—actual notice of the legal action—Plaintiffs argue that Pfizer was on notice of their claims through their tolling agreement, which provided Plaintiffs time to obtain information about their claims before filing a complaint. 5

However, the fact that a plaintiff was on the tolling agreement and may potentially bring a claim against Pfizer or another defendant does not mean that Pfizer had actual legal notice that a particular plaintiff would be pursuing his or her claim against Pfizer in a legal action.

In *re Asbestos Prod. Liab. Litig.* (No. VI), upon which Plaintiffs rely for their argument that a court may extend the time for proper service if the defendant had "actual notice of the pending action," is instructive. 2014 WL 1903904, at *1 (E.D. Pa., May 12, 2014); see *Pyne Resp.* at 10 (citing *Asbestos*). The issue there concerned the appropriateness of a specific method of service by mail under Ohio law—not untimely service that occurred anywhere from one to four years past the Rule 4(m) deadline. Notably, the court found that the defendants were on "actual legal notice" of the pending action because the plaintiffs provided proof of a green card signed by the defendant, evidencing receipt of the original process papers by defendants' counsel, which the court found acceptable under Ohio state law. *Asbestos*, 2014 WL 1903904, at *1. By contrast, Plaintiffs here have not offered any similar evidence of actual notice. Indeed, as Pfizer argues, the tolling

5 In June 2018, the parties entered into a tolling agreement concerning the statute of limitations. In order to obtain the benefit of tolling under the tolling agreement, a claimant had to provide the following information to all defendants: name and date of birth of the PPI user, name(s) of any



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

derivative claimant(s), city and state of residence, date of first PPI use, date of last PPI use, alleged injury, and name of claimant's counsel. The Plaintiffs' Steering Committee was to compile this information and submit it to the defendants on an Excel spreadsheet on a monthly basis. See Stip. Regarding Tolling of Stats. of Lims., ECF No. 232, at 1-2. The data required to be provided to all defendants in the tolling agreement did not identify specific defendants whose product(s) were allegedly used by individual plaintiffs.

8 agreement "covered Plaintiffs who could not yet show proof of use as to a Pfizer product" and, moreover, did not identify a specific defendant or which PPI products were at issue as to a particular potential plaintiff. See, e.g., No. 18-cv-04095, ECF No. 19 at 10 n.3. Therefore, Plaintiffs' reliance on Asbestos is misplaced and they have not demonstrated that Pfizer had actual notice of pending litigation. Turning to prejudice to the defendant—the second factor—the Court reiterates its analysis when discussing the same factor in the context of good cause. See *supra* III.a (noting Pfizer expended time and resources through its repeated attempts to determine whether Plaintiffs intended to pursue litigation against them, including its own independent inquiries, as well as meetings with counsel and the special master). Further, this Court has previously found in this MDL (with respect to a different defendant) that "[w]asted time and resources and inconvenience standing alone may constitute sufficient prejudice to warrant dismissal." CMO No. 63 at 7 (citing *Miller v. Advocare, LLC*, No. 12-01069, 2013 U.S. Dist. LEXIS 71451, at *8-9 (D.N.J. May 21, 2013). Accordingly, this factor weighs against Plaintiffs' request.

Regarding the statute of limitations, the third factor, Plaintiffs argue that the applicable statute of limitations in most, if not all, of the actions subject to CMO No. 60 has expired. See, e.g., *Pyne* Resp. at 21. However, "the expiration of the statute of limitations does not require the court to extend the time for service, as the court has discretion to dismiss the case even if the refiling of the action is barred." *MCI Telecomms. Corp.*, 71 F.3d at 1098. Given the length of time between filing and service in the cases of these Plaintiffs—in some cases over four years—Plaintiffs' argument that the potential lapse of the statute of limitations warrants extension is not compelling. Relatedly, Plaintiffs have not alleged that Pfizer engaged in any conduct to impede or

9 frustrate timely service. See *Spence*, 2012 U.S. Dist. LEXIS 80015, at *15 (fourth factor). These factors thus militate against a discretionary extension as well.

The final factor guiding the Court's discretion examines whether the plaintiff is represented by counsel. See *Spence*, 2012 U.S. Dist. LEXIS 80015, at *15. Plaintiffs here are all represented by counsel. And, in this context, "[e]ven when delay [in service] results from inadvertence of counsel, it need not be excused." *Petrucelli*, 46 F.3d at 1307. This factor thus also weighs against a discretionary extension.

Weighing all of the above factors, the Court is not persuaded that exercising its discretion to grant an extension to effectuate service on Pfizer is warranted. Moreover, in addition to the factors



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

counseling against an extension, the Court's conclusion is further supported by Plaintiffs' failure to provide an explanation as to why they did not timely serve Pfizer (in the 579 cases where service was late) or why they did not serve Pfizer at all (in the remaining 61 cases). 6

c. Plaintiffs Have Not Shown that Pfizer Waived its Defense to Untimely Service Plaintiffs generally assert that Pfizer waived any defense related to untimely service by virtue of its conduct in this MDL litigation. Plaintiffs argue that dismissal of their claims against Pfizer is inappropriate in those cases where (1) Pfizer either filed an answer without raising service or answered before service; (2) Pfizer filed a motion to dismiss without raising service; or (3) Pfizer manifested some intention to defend the case through Pfizer's conduct. See, e.g., Pyne

6 Pfizer also argues that because Plaintiffs did not address their reasons for untimely service (and instead relied chiefly on arguments concerning waiver), Plaintiffs' reply to CMO 60 failed to comply with a court order, requiring dismissal of their cases on that independent basis. . See, e.g., No. 2:18-cv-04095, ECF No. 19 at 6. Pfizer cites certain Poulis factors to support this argument. Id. at 10. As explained above, the Court has considered Plaintiffs' lack of an explanation in its discussion of Rule 4(m) and discretionary extensions.

10 Respo. at § IV.B; Hignite Resp. at § IV.B. For the below reasons, the Court finds that Pfizer has not waived its defense to untimely service.

The Court first turns to Plaintiffs' argument that Pfizer waived service either by filing an answer without raising service or by answering before service. Plaintiffs assert that, as a general matter, waiver of service may occur where a defendant files an answer as its first responsive pleading and the answer fails to plead the defense. See, e.g., Pyne Resp. at 7. Accordingly, Plaintiffs argue that there are three potential scenarios where service has been waived by answer. First, Plaintiffs claim that in any case where Pfizer filed a short form answer, service was waived because the short form answer simply incorporated Pfizer's initial long form answer. This, Plaintiffs maintain, is because the long form answer did not assert the defense of lack of service. See, e.g., id. Second, since a defendant's notice of appearance in a specific case may serve as a short form answer, see Case Management Order No. 27 (ECF No. 260), Plaintiffs contend that a notice of appearance after service is functionally the same as a short form answer—it incorporates the long form answer, which does not assert the defense of lack of service. Finally, Plaintiffs argue that a notice of appearance before service waives this defense under the terms of Case Management Order No. 27 for cases filed after September 24, 2018. See, e.g., Pyne Resp. at 8; see also CMO No. 27, at § I.A.

Regardless of the merits of these arguments as a matter of law, none of these scenarios are applicable to Pfizer here. Only two Plaintiffs in the cases identified in Exhibit A assert that a "Defendant" actually filed an answer or filed a notice of appearance in their case, but the dockets in those two cases clearly reflect that Pfizer did not file an answer or notice of appearance in those two cases. See Pl. Sharon Nali's Resp. to Order to Show Cause, Ex. A, 2:18-cv-07667, ECF No. 14-1; Pl. Carol



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

Presley's Resp. to Order to Show Cause, Ex. A, 2:19-cv-16903, ECF No. 6-1. With

11 these two Plaintiffs' specific assertions contradicted by their dockets, none of the Plaintiffs identified in Exhibit A have shown that Pfizer either filed a short form answer or a notice of appearance. Thus, Plaintiffs' arguments asserting waiver based on Pfizer's answers (or appearances) do not apply here.

Turning to Plaintiffs' next argument, Plaintiffs assert that Pfizer waived its defense to lack of service in those cases where Pfizer filed a motion to dismiss for purported failure to comply with the tolling agreement without specifically raising the defense of service. However, Pfizer did not raise service in its motions to dismiss because an alternate procedure, proposed and agreed upon by the parties, was set forth in a stipulated court order, with their defenses expressly preserved by CMO No. 7. See CMO No. 7, ECF No. 112, at 7 ("Defendants also reserve all rights to move to dismiss . . . under Federal Rule of Civil Procedure Rule[] 12. Defendants shall only be permitted to file said motions to dismiss subject to leave of this Court."). CMO No. 7 expressly restricted defendants from moving to dismiss individual plaintiffs under Rule 12 absent leave of this Court. The federal rules bar a defendant from later moving to dismiss for insufficient service of process only when the party "could have raised these objections in their [earlier] motion to dismiss the complaint." *Denkins v. William Penn Sch. Dist.*, No. 20-02228, 2020 WL 5880132, at *3 (E.D. Pa. Oct. 2, 2020); accord *Wright & Miller*, 5C Fed. Prac. & Proc. Civ. § 1391 ("If one or more of these defenses are omitted from the initial motion but were 'then available' to the movant, they are permanently lost."). In filing its authorized dismissal motions pursuant to the tolling agreement and CMO No. 7, Pfizer did not have leave to raise any other defense, including insufficient service as to a particular case. Having understood and agreed that such motions were to be deferred to a later date and with leave of the Court, it is not correct that Pfizer, or any other defendant, waived

12 its defense of service by failing to argue it in their motions to dismiss related to purported violations of the tolling agreement.

Plaintiffs' final argument on waiver is that Pfizer waived its defense of service through its conduct in the PPI litigation as a whole or in individual cases. As to the argument that Pfizer waived service through its conduct in the PPI litigation as a whole, plaintiffs rely on *In re Cathode Ray Tube (CRT) Antitrust Litigation*, No. 07-5944, 2014 U.S. Dist. LEXIS 78902 (N.D. Cal. June 9, 2014). In that case, certain defendants raised their Rule 12(b)(5) defense to service in a consolidated motion to dismiss, but subsequently abandoned that 12(b)(5) motion in a later filing and then continued to participate in litigation for four years. The court found that under these circumstances those defendants had waived their defense of lack of service. *Id.* at *84-88. The case is inapposite, however, as Pfizer never previously raised—and abandoned—the defense of service in any of the cases identified here, and indeed was unable to without leave of the Court under CMO No. 7, as agreed to by the parties.

Additionally, Plaintiffs' general response argues that Pfizer waived its defense of service by



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

participating in the litigation of individual cases, citing *In re: Ethicon, Inc.*, No. 2:13-cv-00758, 2016 U.S. Dist. LEXIS 148765 (S.D.W.V. Oct. 27, 2016). In that case, the defendants acknowledged receipt of a plaintiff profile form, requested additional information from the plaintiffs regarding their claims, and threatened to pursue a remedy in court if the plaintiff did not comply with their request. *Id.* at *6. While eighty-four Plaintiffs herein claim that they received a deficiency letter related to their Plaintiff Fact Sheet, they do not specifically allege whether Pfizer or another defendant sent that deficiency letter, nor did they include a copy of the deficiency letter in their response. Pfizer's counsel has represented that Pfizer did not issue any Plaintiff Fact Sheet deficiency letters to the plaintiffs in the cases identified in Exhibit A hereto and that it has not

13 threatened to pursue a judicial remedy if the plaintiff did not cure the deficiency. In short, none of these plaintiffs has actually demonstrated that Pfizer has meaningfully participated in the litigation in their particular case. Further, the Court rejects Plaintiffs' suggestion to impute Pfizer's conduct in defending itself in cases not subject to CMO No. 60 to suggest that Pfizer waived its defense of service of process in the specific cases identified in Exhibit A hereto.

Plaintiffs also assert that Pfizer has waited too long to assert its defense of service. Plaintiffs rely on the Sixth Circuit's decision in *King v. Taylor*; however, in that case, unlike here, the defendant actively litigated the case by filing a joint Rule 26(f) report, participating in depositions, seeking to extend discovery deadlines, and joining in a status report in that particular case, and only moved to dismiss for lack of service at the summary judgment stage. *King v. Taylor*, 694 F.3d 650, 659-61 (6 th

Cir. 2012). Here, however, none of the cases identified in Exhibit A is a Bellwether case or a Wave case and thus Pfizer has not participated in discovery in their individual cases like the defendant in *Taylor* did, and as noted previously, stipulated CMO No. 7 precluded Pfizer from filing a motion to dismiss for lack of service without leave of the Court.

IV. Conclusion

CMO No. 60 required Plaintiffs to (1) show they timely served Pfizer pursuant to Rule 4(m), (2) dismiss Pfizer from their case, or (3) show cause why this Court should not dismiss Pfizer from their cases. Plaintiffs whose cases are on Exhibit A have failed to meet their burden of demonstrating good cause for failure to comply with CMO No. 60 and effectuate timely service, and have failed to persuade the Court to exercise its discretion not to dismiss Pfizer from their

14 cases. Accordingly, this Court denies Plaintiffs' requests for extensions and orders Pfizer to be dismissed without prejudice from the cases identified in Exhibit A. 7

Accordingly, IT IS on this _____ day of April, 2023; ORDERED that Pfizer shall be DISMISSED without prejudice from the cases identified in Exhibit A hereto.



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

SO ORDERED.

CLAIRE C. CECCHI, U.S.D.J.

7 To the extent plaintiffs in the cases identified in Exhibit A hereto have raised in their briefing any arguments not expressly addressed herein, the Court has considered and rejected them.

24

Exhibit A Plaintiff Name Case No. 1 Nancy Hignite 2:18-cv-02649 2 James U. Hodges 2:18-cv-02952 3 Ruthe A. Hensley 2:18-cv-03235 4 Antonio D. Davis 2:18-cv-03775 5 Misty Ashley 2:18-cv-03851 6 David Frost 2:18-cv-03861 7 Lester Hall and Ruth E. Hall 2:18-cv-03881 8 Lynda D. McKibben 2:18-cv-03885 9 Leonore L. Sosa 2:18-cv-03886 10 Garrett Sons 2:18-cv-03894 11 Todd K. Andrade 2:18-cv-04040 12 Norman Kydd 2:18-cv-04048 13 Della I. Gregg 2:18-cv-04054 14 Denver Kennett 2:18-cv-04078 15 John Ortiz 2:18-cv-04095 16 Mike Moffat 2:18-cv-04139 17 Laurie T. Lum 2:18-cv-04159 18 Betty L. Sanner 2:18-cv-04169 19 William Ketelsen 2:18-cv-04176 20 Tia Hartmann 2:18-cv-04180 21 Grady Harris 2:18-cv-04181 22 Daniel Sharp 2:18-cv-04184 23 Theresa Johnson 2:18-cv-04206 24 Mary A. Williams 2:18-cv-04208 25 Rayshell Robinson 2:18-cv-04215 26 Deborah Allen 2:18-cv-04281 27 Sharon Acevedo 2:18-cv-04282 28 Patricia Bean 2:18-cv-04283 29 Michael Barrett 2:18-cv-04290 30 Judy K. Aiken 2:18-cv-04291 31 Dale Bryan 2:18-cv-04293 32 Tonya Bates-Wilson 2:18-cv-04296 33 Donna J. Cushenberry 2:18-cv-04298 34 Stella Benefiel 2:18-cv-04304 35 Roosevelt Dunning 2:18-cv-04305 36 Gloria Eddy 2:18-cv-04308 37 Edgardo Biliran 2:18-cv-04309 38 Emma Balthazar 2:18-cv-04312 39 Antionette Borden 2:18-cv-04315 40 Shelley Hager, as Administrator of the Estate of Samuel Hager, Deceased 2:18-cv-04317 41 Anthony Elliott 2:18-cv-04318 42 Kevin Casey 2:18-cv-04319 43 George Curry 2:18-cv-04326 44 Deloris Daniel 2:18-cv-04330 45 Ricky Fisher 2:18-cv-04332

Exhibit A 46 David D. Hopkins 2:18-cv-04350 47 Dennis Ledford and Tracey Ledford 2:18-cv-04477 48 Rozell Collins 2:18-cv-04482 49 Cassandra Howard 2:18-cv-04484 50 Patricia Cooper 2:18-cv-04491 51 Leray Littell 2:18-cv-04492 52 Tony Long 2:18-cv-04495 53 Sandra Davis 2:18-cv-04496 54 Robert Parham, Jr. 2:18-cv-04497 55 Climmie Gibbons 2:18-cv-04499 56

Teresa Harlen, as Proposed Representative of the Estate of Jack R. Harlen, Deceased

2:18-cv-04500 57 Vivian Parker 2:18-cv-04501 58 Heather P. Lott 2:18-cv-04502 59 Virginia Rackins 2:18-cv-04504 60 Otis D. Roberts 2:18-cv-04507 61

Robert Ludlam, as Proposed Representative of the Estate of Aubie Ludlam, Deceased

2:18-cv-04511 62 Jessie Martin 2:18-cv-04519 63 Mary Hankamer 2:18-cv-04520 64 Brenda R. Dale 2:18-cv-04526 65 Kelly Smith 2:18-cv-04529 66 Mary Haynes 2:18-cv-04535 67 Betty Head



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

2:18-cv-04538 68 Jerome Browning 2:18-cv-04827 69 Clarence Mumma 2:18-cv-04828 70 Beverly Bryant 2:18-cv-04829 71 Jose Fronda 2:18-cv-04830 72 Rolanda Allmon 2:18-cv-04831 73 Constance Guardado 2:18-cv-04833 74 Steve Slade 2:18-cv-04843 75 Donell Andrews 2:18-cv-04852 76 Joyce Watson 2:18-cv-04864 77 Jeanette Williams 2:18-cv-04868 78 Avis Hiestand 2:18-cv-04871 79 Roger Mata 2:18-cv-04872 80 Linda Bishop 2:18-cv-04873 81 Darlene Mason 2:18-cv-04874 82 Laura Raffa 2:18-cv-04877 83 Scott Allen 2:18-cv-04882 84 Max Holbrook and Joyce Holbrook 2:18-cv-04888 85 Mildred Brock 2:18-cv-04904 86 Unni Shelton 2:18-cv-04915 87 Darwin Watson 2:18-cv-04918 88 Terry Debrun 2:18-cv-04921 89 John M. Sierra 2:18-cv-04923 90 Woodie G. Murphy 2:18-cv-04933

Exhibit A 91 Oscar M. Chavez 2:18-cv-04936 92 Priscilla Smeets 2:18-cv-04938 93 Paula Ford 2:18-cv-04943 94 Joseph Spurgeon and Samba Spurgeon 2:18-cv-04948 95 Roger Phillips 2:18-cv-05034 96 Billie Martin Stinson 2:18-cv-05038 97 Wanda Thomas 2:18-cv-05040 98 Lorenzo Valenzuela 2:18-cv-05055 99 Brenda Jo Lemley 2:18-cv-05060 100 Helen Waddle 2:18-cv-05061 101 Rodrick Whitaker 2:18-cv-05068 102 Dawn Miller 2:18-cv-05069 103 Robert Dryden 2:18-cv-05081 104 Charla Mogg 2:18-cv-05084 105 Maudell Palmer 2:18-cv-05306 106 Fred L. Johns 2:18-cv-05314 107

Danielle Newman, as Proposed Representative of the Estate of Jack F. Newman, Deceased

2:18-cv-05324 108 Peggy S. Conley 2:18-cv-05343 109 Dwight W. Graley, Sr. 2:18-cv-05345 110 Scott Hannigan 2:18-cv-05351 111 Birdie D. Jackson 2:18-cv-05353 112 Rebecca M Oates 2:18-cv-05360 113 David Pierce 2:18-cv-05361 114 Teresa Byers 2:18-cv-05431 115 Donald Gibson 2:18-cv-05438 116 Michael Clarke and Maribeth Clarke 2:18-cv-05448 117 Sandra Garrett 2:18-cv-05463 118 Nancy L. Harsh 2:18-cv-05466 119 Bryan G. Swanson 2:18-cv-05476 120 Melvin Stubbs 2:18-cv-05479 121 Jennifer Wolfe 2:18-cv-05485 122 Sharon Powers 2:18-cv-05488 123 Arthur D. Warshawsky 2:18-cv-05490 124 Martha Burns 2:18-cv-05495 125 Kyle Rose 2:18-cv-05500 126 Jeffrey Jones 2:18-cv-05504 127 Burma G. Sizemore 2:18-cv-05511 128 Carmen Stevens 2:18-cv-05516 129

Shirley Teel, as Proposed Representative of the Estate of Ezra C. Teel, Deceased

2:18-cv-05521 130 James Wellman 2:18-cv-05525 131 Dara Dougherty 2:18-cv-05954 132 Sheryl Gerald 2:18-cv-05959 133 Samantha Riddle 2:18-cv-05971 134 Gwenda Steele 2:18-cv-05975

Exhibit A

135

Barbara Gibson, as Proposed Representative of the Estate of Alta Gibson, Deceased

2:18-cv-05976 136 George Hawkins 2:18-cv-05980 137 Willie Anderson 2:18-cv-06130 138 Mary Hollander 2:18-cv-06148 139 Lance Faulkner 2:18-cv-06154 140 Jeffrey Reed 2:18-cv-06159 141 Sharon Reid 2:18-cv-06164 142 Bartholomew Gaiera and Karen Gaiera 2:18-cv-06166 143 Kathlene Brown



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

2:18-cv-06171 144 Joni Barrows 2:18-cv-06178 145 Rebecca Harrington 2:18-cv-06196 146 Patricia Hasty 2:18-cv-06202 147 Richard Jackson and Judy Fontenot 2:18-cv-06214 148 Bonnie L. Mize 2:18-cv-06232 149 Jackie Knight 2:18-cv-06233 150 Tunya Lowe 2:18-cv-06256 151 Patina Johnson 2:18-cv-06274 152 Cristy Blankenship 2:18-cv-06436 153 Johnny Daniels 2:18-cv-06440 154 Emilee Palmer and Michael D. Palmer 2:18-cv-06449 155

Travis Charlton, as Proposed Representative of the Estate of Cynthia Halbert, Deceased

2:18-cv-06476 156

Nina Fernandez, as Proposed Representative of the Estate of Sanra Nobil, Deceased

2:18-cv-06497 157 Elizabeth Prater 2:18-cv-06506 158

Jerry Blosser, Individually and as Proposed Representative of the Estate of Wanda Blosser, Deceased

2:18-cv-06515 159 Norma Stillwagoner 2:18-cv-06520 160

Karen Keenan, Individually and as Proposed Representative of the Estate of Larry Keenan, Deceased

2:18-cv-06522 161

Gina Zerby, Individully and as Proposed Representative of the Estate of Michael Zerby, Deceased

2:18-cv-06532 162 Michelle Wilson 2:18-cv-06540 163

Emilly Knotts, as Proposed Representative of the Estate of Cheryl Stefenel, Deceased

2:18-cv-06552 164 Jacquelyn Booker 2:18-cv-06834 165 Dianne Caldwell 2:18-cv-06846 166

Leona Collins, Individually and as the Representative of the Estate of Deniese Collins, Deceased

2:18-cv-06869 167 Patrick Connors 2:18-cv-06876 168 Allen Pyne 2:18-cv-06938 169 Gladys Maddox 2:18-cv-06939 170 Johnnie Oliver 2:18-cv-06947 171

Betty Bassett, Individually and as the Representative of the Estate of Robert Avera, Deceased

2:18-cv-06949 Exhibit A



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

Charles Jones, as Proposed Representative of the Estate of Victoria Jones, deceased

2:18-cv-06952 173 Danny Parker 2:18-cv-06964 174 Patricia Parker 2:18-cv-06975 175 Charles Howard
2:18-cv-06986 176 Teresa Hill-Ibrahim 2:18-cv-07005 177

Judy Bradshaw, Individually and as the Representative of the Estate of Jimmy Bradshaw, Deceased

2:18-cv-07049 178 Victor Sackett 2:18-cv-07059 179 Virginia Boyd 2:18-cv-07090 180 Herbert Johnson
2:18-cv-07130 181

Joan Stoveken, Individually and as the Representative of the Estate of Gay Stoveken, Deceased

2:18-cv-07137 182

Angela Spicer, Individually and as the Representative of the Estate of James Spicer, Deceased

2:18-cv-07148 183

Amanda Turner, Individually and as the Representative of the Estate of Ronal Turner, Deceased

2:18-cv-07153 184 Jeanette Mouton 2:18-cv-07178 185 Erick Barnes 2:18-cv-07187 186 Tammy Perry
2:18-cv-07194 187 Wendy Brazill 2:18-cv-07195 188 Brenda Fletcher 2:18-cv-07203 189 Nancy Esque
2:18-cv-07208 190

Diane McGee, Individually and as the Representative of the Estate of Kevin McGee, Deceased

2:18-cv-07239 191 George Gale 2:18-cv-07267 192

Fabian Garcia, Individually and as the Representative of the Estate of Yolanda Montalvo, Deceased

2:18-cv-07276 193

Joann Flowers, Individually and as the Representative of the Estate of Sophia Perkins, Deceased

2:18-cv-07320 194 Thomas Russo 2:18-cv-07340 195

Paul Lue, Individually and as the Representative of the Estate of Hyacinth Johnson, Deceased

2:18-cv-07352 196

Ernestine Mays-Mitchell, Individually and as the Representative of the Estate of Ernest Mays,



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

Deceased

2:18-cv-07365 197 Birdie Woods 2:18-cv-07438 198 Betty Apellido 2:18-cv-07557 199 Pauline Corn
2:18-cv-07584 200 Gloria Dietrich 2:18-cv-07592 201 Walker Howell 2:18-cv-07616 202 Stephanie
Ralston-Bailey 2:18-cv-07617 203 Laura Richie 2:18-cv-07622 204 Regina Salisbury 2:18-cv-07632 205
Mary Skeens 2:18-cv-07637 206 Marlene Hatfield 2:18-cv-07639 207 Sharon Nali 2:18-cv-07667

Exhibit A

208

William Solis, Individually and as the Representative of the Estate of Aura Burgos, Deceased

2:18-cv-07688 209 Ronald Klinenberg 2:18-cv-07706 210 Luis Nesta 2:18-cv-07708 211 Lorraine Turco
2:18-cv-07713 212 Hazel Phillips 2:18-cv-07748 213 Tracie Powers 2:18-cv-07756 214

Mary Rivali, Individually and as the Representative of the Estate of Robert Rivali, Deceased

2:18-cv-07760 215

Marilyn Sullivan, Individually and as the Representative of the Estate of Evelyn Sullivan, Deceased

2:18-cv-07781 216 Bernadine Hardie 2:18-cv-07795 217

Maribel Villanueva, Individually and as the Representative of the Estate of Alexander Rivera-Baez,
Deceased

2:18-cv-07799 218 Karen Vassar, Representative of the Estate of Bobby Vassar, Deceased
2:18-cv-08722 219 Odilia Perez 2:19-cv-01061 220 Dennis Quintin 2:19-cv-01813 221 Martha Griffith
2:19-cv-01853 222 William Hall 2:19-cv-01859 223

Brenda Willis, Individually and as the Representative of the Estate of Seress Harris, Deceased

2:19-cv-01873 224 Gloria Haywood 2:19-cv-01881 225 Ruth Hurd 2:19-cv-01887 226 Eric Hurwitz
2:19-cv-01889 227 Patricia Joppien 2:19-cv-01897 228 Paul Jozwiak 2:19-cv-01902 229 George Bonis
2:19-cv-01931 230 Raymond Bryant 2:19-cv-01939 231 John Bottoms 2:19-cv-01945 232 Cindy
Campbell 2:19-cv-01948 233 Colleen Cantwell 2:19-cv-01965 234 Gladys Carpenter 2:19-cv-01981 235
Brandon Cole 2:19-cv-02004 236 Robert Crenshaw 2:19-cv-02011 237 Wanda Crager 2:19-cv-02012 238
Jason Daniels 2:19-cv-02015 239

Luis Manuel Delgado, Individually and as the Representative of the Estate of Luis C. Delgado,



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

Deceased

2:19-cv-02030 240 Linda McMillen 2:19-cv-02035 241 Odessa Mitchell 2:19-cv-02040 242 Patricia Mitchell 2:19-cv-02048 243 Charles Newsom 2:19-cv-02050 244 Orestes Diaz 2:19-cv-02059 245 Helmut Otto 2:19-cv-02061 246

Darryl Oglesby, as Proposed Administrator of the Estate of Sandra Oglesby, Deceased

2:19-cv-02066 Exhibit A 247 Charlotte Edgar 2:19-cv-02074 248

Carey Bowie, Individually and as the Represenetative of the Estate of Henry Bowie, Deceased

2:19-cv-02086 249

Maria Edwards, Individually and as the Representative of the Estate of Francisca Camacho, Deceased

2:19-cv-02092 250 Warren Ketchmore 2:19-cv-02102 251

Juan Cantu, Individually and as the Representative of the Estate of Margarita Cantu, Deceased

2:19-cv-02104 252 Juanita Landers 2:19-cv-02127 253 Karen Gaines 2:19-cv-02136 254

Brenda McCurdy, Individually and as the Representative of the Estate of Rickey McCurdy, Deceased

2:19-cv-02143 255 Bridgette Long 2:19-cv-02159 256

Nettie Overton, Individually and as the Representative of the Estate of Charlie Overton, Deceased

2:19-cv-02174 257 Glenda Long 2:19-cv-02175 258 Melissa Olson 2:19-cv-02204 259

Raymond Wilson, Individually and as the Representative of the Estate of Randy Orr, Deceased

2:19-cv-02239 260 Sandra Pannell 2:19-cv-02246 261 Priscille Parent 2:19-cv-02261 262 Lucretia Peavy
2:19-cv-02275 263 Mabel Perry 2:19-cv-02318 264 Glenna Pool 2:19-cv-02335 265 Debra Primrose
2:19-cv-02356 266

Margaret Pryor, As the Representative of the Estate of Keith Pryor, Deceased

2:19-cv-02367 267 Joyce Sheffield 2:19-cv-02377 268 Terry Sheffield 2:19-cv-02386 269 Carl Warner
2:19-cv-02456 270 Lionel Smith 2:19-cv-02464 271 Sherrie Abrahamson 2:19-cv-02469 272 Linda
Stockwell 2:19-cv-02475 273 Diane Watkins 2:19-cv-02484 274 James Williams 2:19-cv-02487 275



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

Charles Wiley 2:19-cv-02493 276

Belinda Beck, Individually and as the Administrator of the Estate of Willie Taylor, Deceased

2:19-cv-02519 277 Nathan Tyler 2:19-cv-02523 278

Vivian Wittner, Individually and as the Representative of the Estate of Myra Wittner, Deceased

2:19-cv-02531 279 Darwin Valentine 2:19-cv-02547 280

Susan Lynn Wright, Individually and as the Representative of the Estate of Tabitha Wright, Deceased

2:19-cv-02577 281 Donna Wooten 2:19-cv-02586 282

Sharon Grady, as Proposed Representative of the Estate of Herbert Grady, Deceased

2:19-cv-02669 Exhibit A 283 Judy K. Freed 2:19-cv-02687 284 Connie Black 2:19-cv-02703 285 Laurie J Dey 2:19-cv-02873 286

Esmeralda Olvera, As proposed Representative of the Estate of Santos Olvera, deceased

2:19-CV-02877 287 Ernest J Palmer 2:19-cv-02882 288

Cheryl Adams, as Proposed Representative of the Estate of Belle Collins, Deceased

2:19-cv-02996 289 Angela Clark 2:19-cv-03070 290 George Reyes 2:19-cv-03081 291 Joe A. Gottwald 2:19-cv-03115 292 Matt Spasoff 2:19-cv-03117 293 Nancy Fennell 2:19-cv-03132 294 Merle Kirkland 2:19-cv-03272 295 Sheila Holmes 2:19-cv-03327 296 Brenda Y. Ridyolph 2:19-cv-03419 297 Cynthia Tucker 2:19-cv-03489 298 Rosetta T. Cunningham 2:19-cv-03553 299

Michelle Denofa, as Proposed Representative of the Estate of Frank Denofa, Deceased

2:19-cv-03571 300 Paul E. Dilocker 2:19-cv-03589 301 Ruth Edwards 2:19-cv-03595 302 Phillip Cottle 2:19-cv-03618 303 Jannie Gichia 2:19-cv-03625 304 Diana Greathouse 2:19-cv-03633 305

Lena Turknnett, as Proposed Representative of the Estate of Cecilia Gaines, Deceased

2:19-cv-03636 306 Suzanne Coleman-Cunningham 2:19-cv-03638 307

Betty Hunter, Individually and as the Representative of the Estate of Thomas Hunter, Deceased



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

2:19-cv-03645 308 Noreen Davis-Xanthis 2:19-cv-03646 309 Juanita Mekwuye 2:19-cv-03652 310 Carla A. Dimatteo 2:19-cv-03658 311 Barbara Zajack 2:19-cv-03663 312 Jennifer Collins 2:19-cv-03679 313 Melissa Harris 2:19-cv-03684 314 Tracy Henderson 2:19-cv-03685 315 Linwood Flemister 2:19-cv-03686 316 James W. Franklin, Sr. 2:19-cv-03711 317 Keisha Kimbrough 2:19-cv-03723 318 Cynthia Lawhorn 2:19-cv-03739 319 Lynell Johnson 2:19-cv-03784 320 Michael Anthony Jones 2:19-cv-03806 321 Cara Kreider 2:19-cv-03817 322 Stephen C. McNeill 2:19-cv-03823 323

Michael DePhillipo, Individually and as the Representative of the Estate of Felice DePhillipo, Deceased

2:19-cv-03858 Exhibit A 324 Tammy R. Phipps 2:19-cv-03863 325

Melissa Konarski, Individually and as the Representative of the Estate of Pamela Zaccardi, Deceased

2:19-cv-03869 326 Kevin M. Takacs 2:19-cv-03921 327 Anna B. Franks 2:19-cv-03984 328 Brandon R. Ward 2:19-cv-03987 329 Raymond A. Watson 2:19-cv-04002 330 Darren Williams 2:19-cv-04012 331 Belinda L. Laird 2:19-cv-04031 332 Anita Loudy 2:19-cv-04113 333 Sandra Detherage 2:19-cv-04133 334 Carol Rosenblum 2:19-cv-04146 335 Linda Barnett 2:19-cv-04152 336 Keith Ellery 2:19-cv-04166 337 Kerry Bland 2:19-cv-04178 338 Denise Garrette 2:19-cv-04188 339 Josette Schaffer 2:19-cv-04192 340

John Danso, Individually and as the Representative of the Estate of Vickie Danso, Deceased

2:19-cv-04204 341 Lawrence Lucerne 2:19-cv-04209 342 Sandra Mason 2:19-cv-04218 343 Beverly McCaleb 2:19-cv-04224 344 Karen E. Rawlings 2:19-cv-04226 345

Veda McDonald-Rhodes, Individually and as the Representative of the Estate of Andre McDonald, Deceased

2:19-cv-04228 346 Joanne Smith 2:19-cv-04234 347 Diane Wood 2:19-cv-04242 348 Terry L. Tharp 2:19-cv-04250 349 Donald Torgerson 2:19-cv-04254 350 Mary Burchett 2:19-cv-04470 351 Michael Bowen 2:19-cv-04503 352 Curtis Banks, Jr. 2:19-cv-04514 353 Catherine Antwine 2:19-cv-04516 354 Jackie L. Brown 2:19-cv-04518 355 Joseph A. Archer 2:19-cv-04519 356 Margie T. Bannister 2:19-cv-04528 357 Leta Bannon 2:19-cv-04535 358 Janice Weibley, on behalf of Elizabeth L. Boyd 2:19-cv-04537 359 Richard Bailey 2:19-cv-04559 360 Debra Bramblett 2:19-cv-04561 361 Brent Bregan 2:19-cv-04574 362 Renee E. Adkins 2:19-cv-04623 363 Damisha L. Bishop 2:19-cv-04684 364 Joe Alfieri 2:19-cv-04690 365 Shirley Bass 2:19-cv-04703 366 Alice Baxter 2:19-cv-04722

Exhibit A



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

Anna Gonzalez, as Proposed Representative of the Estate of Beatrice Ceja, Deceased

2:19-cv-04750 368 Twila M. Dillon 2:19-cv-04790 369 Dora Chatman 2:19-cv-04826 370 David A. Ealy
2:19-cv-04837 371 Albert G. Collins 2:19-cv-04853 372 Nelda Dugas 2:19-cv-04861 373 James Drain
2:19-cv-04863 374 Tina Dasher 2:19-cv-04882 375 Augusta L. Colson 2:19-cv-04909 376 John Elliott
2:19-cv-04913 377 David Andrews 2:19-cv-04914 378 Adela Anguiano 2:19-cv-04927 379 Troy Ersch
2:19-cv-04932 380 Ronald R. Francis 2:19-cv-04975 381 Angela Clinton 2:19-cv-04981 382 Robin
Fizhugh 2:19-cv-05006 383 Mary Duncan 2:19-cv-05072 384 Charlotte Edwards 2:19-cv-05097 385
Matilda Gagliardi 2:19-cv-05119 386 Barbara S. Foutty 2:19-cv-05132 387 Angela K. Henry
2:19-cv-05185 388 Bobby G Jones 2:19-cv-05196 389 Darlene Huettenberger 2:19-cv-05197 390 Gary D.
Johnson 2:19-cv-05199 391 Helen Humphrey 2:19-cv-05243 392 Ronnie W. Johnson 2:19-cv-05247 393
Donna Hines 2:19-cv-05275 394 Denice M Justice 2:19-cv-05307 395 Connie Ivory 2:19-cv-05324 396
Constance Gary 2:19-cv-05335 397 Barton S. Hickey 2:19-cv-05353 398 Marne Gonzales 2:19-cv-05355
399 Pamela Kazak 2:19-cv-05369 400 Phyllis J. Kinsey 2:19-cv-05376 401 Steven Graham 2:19-cv-05547
402 June S. Grumbein 2:19-cv-05558 403 Alcadio Guajardo, III 2:19-cv-05583 404 Theresa R. Grove
2:19-cv-05606 405 Darren Gines 2:19-cv-05608 406 Connie Gamez 2:19-cv-05652 407 Paul Glasper
2:19-cv-05699 408 Doris Harder 2:19-cv-05791 409 Rashidah Id-Deen 2:19-cv-05805 410 Bonnie
Holtgrew 2:19-cv-05814 411 Jeffrey A Heaps 2:19-cv-05853 412 Terica Lemon 2:19-cv-06014

Exhibit A 413 Gail H. Mills 2:19-cv-06072 414 Lisa Mitchell 2:19-cv-06080 415 Berchia M. Mitchell
2:19-cv-06106 416 Jason R. Mitchell 2:19-cv-06110 417 Anna Hoppes 2:19-cv-06157 418 Carson E.
Wingo 2:19-cv-06224 419 Joe N. Little 2:19-cv-06225 420 Betty J. Withrow 2:19-cv-06226 421 Annette
London 2:19-cv-06231 422 Penny E Wolfe 2:19-cv-06237 423 Melissa Lonsdale 2:19-cv-06246 424
Richard A. Lovelace 2:19-cv-06320 425 Desiree Lovins 2:19-cv-06323 426 Betty Lowther 2:19-cv-06374
427 Joseph W. Lucas 2:19-cv-06376 428 Martin Masar Jr. 2:19-cv-06432 429 James Mason
2:19-cv-06444 430 Lynda Mercer 2:19-cv-06456 431 Lena Woolfolk 2:19-cv-06457 432 Arlene Miller
2:19-cv-06496 433 Thelma McClellen 2:19-cv-06520 434 Brenda McConnachie 2:19-cv-06522 435
Grachell L. Manuel 2:19-cv-06537 436 Uri Moscovici 2:19-cv-06541 437 Marilyn Young 2:19-cv-06599
438 Terry Hays-Booker 2:19-cv-06613 439 Missouri McCann 2:19-cv-06614 440 Marybelle J. Nohejl
and Donald Nohejl 2:19-cv-06648 441 Colton Norwood 2:19-cv-06653 442 Norma J. Ochoa
2:19-cv-06657 443 Herschel Overby 2:19-cv-06681 444 Sherrie Owerko 2:19-cv-06685 445 Deborah L.
Patterson 2:19-cv-06706 446 Shirley Murray 2:19-cv-06713 447 David Peterson, Sr. 2:19-cv-06827 448
Leonard Nesbitt 2:19-cv-06828 449 Alvin Williamson 2:19-cv-06848 450 David O. Pinto 2:19-cv-06874
451 Andrew E. Polly 2:19-cv-06890 452 Emily Nichols 2:19-cv-06894 453 Joyce Niemi 2:19-cv-06899
454 Norma Wright 2:19-cv-06918 455 Misty C. Powell 2:19-cv-06966 456 Leon Rhodes and Veronica
Rhodes 2:19-cv-06967 457 Linda Roach 2:19-cv-07057 458 Sharon Raabe 2:19-cv-07069 459 Martha
Bruton 2:19-cv-07076

Exhibit A 460 Brian Rose 2:19-cv-07133 461 Brandi Peebles 2:19-cv-07166 462 William Schiffert
2:19-cv-07203 463 Darlet A. Simile 2:19-cv-07208 464 Ben Schwartz 2:19-cv-07238 465 Robert Smith
2:19-cv-07247 466



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

Rita Scott, As Proposed Representative of the Estate of Melvern Scott, Deceased

2:19-cv-07250 467 Roberta Ruddy 2:19-cv-07297 468 Scott E. Shaner 2:19-cv-07348 469 Amos Smith
2:19-cv-07350 470 Anita L. Shank 2:19-cv-07352 471 Sharon Smith 2:19-cv-07389 472 Valorie Sherrod
2:19-cv-07390 473 Annette H. Shook 2:19-cv-07400 474 Ysleta Smith 2:19-cv-07403 475 Arlene
Sidenstick 2:19-cv-07425 476 Heidi McGee 2:19-cv-07516 477 Laronda M. McMurray 2:19-cv-07540
478 Shanda M. Meacacke 2:19-cv-07543 479 Brenda Swift 2:19-cv-07558 480 Dawn Takacs
2:19-cv-07560 481 Ruby M. Terrasas 2:19-cv-07589 482 Pamela D. Terry 2:19-cv-07590 483 Ruth
Thompson 2:19-cv-07605 484 Cheryl Russell 2:19-cv-07635 485 Courtney Stark 2:19-cv-07636 486 Sally
D. Reed 2:19-cv-07642 487 Sandra Steen 2:19-cv-07658 488 Sonja F. Anthony 2:19-cv-07681 489 Nadine
Reese 2:19-cv-07732 490 Tammy Sateriale 2:19-cv-07793 491 Arnolando Saucedo 2:19-cv-07799 492
Rodney Stewart 2:19-cv-07800 493 Nicholas Savini 2:19-cv-07825 494 Joan v. Streek 2:19-cv-07857 495
Emma L. White 2:19-cv-07869 496 Susan Reitz 2:19-cv-07879 497 Kevin Wiggs 2:19-cv-07893 498
Robert W. Tonini 2:19-cv-07908 499 Carmen Vitello 2:19-cv-08007 500 Brenda J. Wadman
2:19-cv-08050 501

Jami Butler, Individually and as the Representative of the Estate of David Ayers, Deceased

2:19-cv-08067 502 Bonnie S. Walburn 2:19-cv-08097 503 Dianne C. Walker 2:19-cv-08137 504 Darlene
Watson 2:19-cv-08319

Exhibit A 505 Cherry Watson 2:19-cv-08323 506 Corderro Watts 2:19-cv-08325 507 Wayne Price
2:19-cv-08421 508 Daniel E. Varner 2:19-cv-08449 509 Audrey M. Werner 2:19-cv-08547 510 Joseph
White Sr. 2:19-cv-08573 511 Robert Acosta 2:19-cv-08709 512 Wilma Bibbs 2:19-cv-10048 513 Shirley
Brantley 2:19-cv-10050 514

Esther Garza, Individually and as the Representative of the Estate of Jorge Garza, Deceased

2:19-cv-10059 515 James Goff 2:19-cv-10060 516 Regla Hernandez 2:19-cv-10064 517

Elizabeth Hoover, Individually and as the Representative of the Estate of Katharina Hoover, Deceased

2:19-cv-10069 518 Barbara Jensen 2:19-cv-10072 519 Lorenzo Limon 2:19-cv-10079 520 Andrew Mae
Martin 2:19-cv-10083 521 Delaine Moore 2:19-cv-10087 522

Allawana Parsons, Individually and as the Representative of the Estate of Smith Parsons, Deceased

2:19-cv-10088 523 Lydia Robinson 2:19-cv-10092 524 Felicita Santos 2:19-cv-10094 525

Margaret Chappel, Individually and as the Representative of the Estate of Adrian Smith, Deceased



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

2:19-cv-10102 526 Ernestine Thompson 2:19-cv-10115 527 Rosa Vega 2:19-cv-10129 528 Katie Ware
2:19-cv-10141 529 Barbara Wargo 2:19-cv-10142 530 Billy Wiginton 2:19-cv-10143 531 Scott Wright
2:19-cv-10145 532 Brenda Wyatt 2:19-cv-10146 533

Sheila Cuffee, Individually and as the Representative of the Estate of Corinne Blackwell, Deceased

2:19-cv-10147 534 Terri Bullock Dortmund 2:19-cv-10715 535

Elisa Puentes, Individually and as the Representative of the Estate of Lucy Hernandez, Deceased

2:19-cv-11000 536 Kimberly Ann Tomajko 2:19-cv-11010 537

Billie Whitehead, Individually and as the Representative of the Estate of Artis Whitehead, Deceased

2:19-cv-11013 538 Judy Edwards 2:19-cv-11320 539 Kevin Hickles, Sr. 2:19-cv-11329 540 George D.
Pulford 2:19-cv-11375 541 Roxanne Robertson 2:19-cv-11575 542 Julia K. Strickland 2:19-cv-11582 543
Sharon L. Thorne 2:19-cv-11585 544 Dian F. Umbaugh 2:19-cv-11590

Exhibit A 545 Josephine Cumbo 2:19-cv-11776 546

Terri McCrea, as Proposed Representative of the Estate of Franklin D. McCrea, Sr.

2:19-cv-11857 547 Nina Rosemond 2:19-cv-11862 548 Temika Smith 2:19-cv-11866 549 Lucy M.
Spinner 2:19-cv-11888 550 Doris Bowens 2:19-cv-13354 551 Raymond Brisson 2:19-cv-13490 552
Earnest Thomas 2:19-cv-13491 553 Gregory Lomax 2:19-cv-13677 554 Arthuretta Watford
2:19-cv-13678 555 Thomas Bradd 2:19-cv-14061 556

Davida Linn-Cammarano, Individually and as the Representative of the Estate of Frank Cammarano,
Deceased

2:19-cv-14064 557

Marilyn Padgett, Individually and as the Representative of the Estate of Novalynn Collins, Deceased

2:19-cv-14065 558 Paul Cyrus 2:19-cv-14066 559 Joshua Cole 2:19-cv-14513 560 Karen King
2:19-cv-14732 561

Louis Brown, Jr., Individually and as the Representative of the Estate of Irene Brown, Deceased

2:19-cv-15341 562



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

Louis Brown, Jr., Individually and as the Representative of the Estate of Lewis Brown, Sr., Deceased

2:19-cv-15342 563 Jeffrey Taylor 2:19-cv-15345 564 Eddie Felder 2:19-cv-15445 565

Karen Wells, Individually and as the Representative of the Estate of Michael Wells, Deceased

2:19-cv-15570 566 Larry Moore 2:19-cv-15571 567 Paul Greer 2:19-cv-15777 568 Mark Marcello
2:19-cv-15881 569 Marilyn Pritchard 2:19-cv-16196 570 Carol Presley 2:19-cv-16903 571 Danny
Garabedian 2:19-cv-16905 572 Robert McCray 2:19-cv-17096 573 Jack Schonenberger 2:19-cv-17541
574

Victor Rodriguez, Individually and as the Representative of the Estate of Susan Rodriguez, Deceased

2:19-cv-17658 575 Stephen Marchut 2:19-cv-17991 576 Richard Elstun 2:19-cv-18108 577 Karen Arndt
2:19-cv-18304 578 Shirley Howard 2:19-cv-19780 579 Robin Noblin 2:19-cv-19781 580 James Cadieux
2:19-cv-21720 581 Brandy Ramirez 2:19-cv-21958 582 Mary Medeiros 2:19-cv-21962 583 Lynetta J.
Hollingworth 2:19-cv-22041

Exhibit A

584

Alonia Williams, as Proposed Representative of the Estate of I.G. Thompson, Sr., Deceased

2:19-cv-22153 585

Weldon Paul Steadman, as Proposed Representative of the Estate of Phyllis Steadman, Deceased

2:19-cv-22221 586 Jonathan E Beckham 2:20-cv-00979 587 Kimberly J Burrows 2:20-cv-00984 588
Kenneth B. Cousette 2:20-cv-00986 589 Edward L. Thomas 2:20-cv-01015 590 Stephen Deloney
2:20-cv-01028 591 Kathreen Hensley 2:20-cv-01523 592 Brenda Williams, Individually and as PR of the
Estate of Alvin Williams 2:20-cv-01844 593 Sterling Binns 2:20-cv-02070 594 Martha Jones
2:20-cv-03162 595 Ernest Nelson Jr. 2:20-cv-03422 596 Pasquale A Palange 2:20-cv-04531 597 Elena
Patrizio 2:20-cv-04539 598 Dorothy R Lewis 2:20-cv-04636 599 Barbara Minchew 2:20-cv-04644 600
Rebecca Ann Gordon 2:20-cv-04667 601 Janice C. Rodgers 2:20-cv-04740 602 Gary Friend
2:20-cv-04760 603 Charles F Duke 2:20-cv-04792 604 Linda B Ross 2:20-cv-04811 605 Cheryl K Strouse
2:20-cv-04829 606 Glenda Weeks 2:20-cv-04841 607

Sherry White, as Proposed Representative of the Estate of Raymond White, Deceased

2:20-cv-04844 608 Jacqueline Williams 2:20-cv-04846 609 Mary Zangara 2:20-cv-04850 610 William



STARK v. ASTRAZENECA PHARMACEUTICALS LP et al

2023 | Cited 0 times | D. New Jersey | May 9, 2023

Clinton 2:20-cv-04884 611 Robert Shawn Trybala 2:20-cv-04923 612 Jane Cedar 2:20-cv-04940 613 Alma J. Williams 2:20-cv-04956 614 Jennefer Prepelica 2:20-cv-04957 615 John E. Pumphrey, Jr. 2:20-cv-04962 616 Sue Brewer 2:20-cv-05029 617 Joan C. Harper 2:20-cv-05040 618 Ella Norman 2:20-cv-05052 619 Susan M. Pierce 2:20-cv-05066 620

Hiram Archdale, as Proposed Representative of the Estate of Kathleen K. Price, Deceased

2:20-cv-05070 621 Christopher Ritenour 2:20-cv-05077 622 Laura J Sutphin 2:20-cv-05079 623 Quintina N. Wright 2:20-cv-05088 624 James Ziegler 2:20-cv-05092 625 Marie Stacey 2:20-cv-05244

Exhibit A

626

Robert Keenan, as Proposed Representative of the Estate of Douglas W. Keenan, Deceased

2:20-cv-05266 627 Karen Boyer 2:20-cv-05327 628

William Broyles, as Proposed Representative of the Estate of Mary J. Broyles, Deceased

2:20-cv-05329 629

Renee McPheeters, as Proposed Representative of the Estate of Mary Lou Christopher, Deceased

2:20-cv-05343 630 Linda Donaldson 2:20-cv-05344 631 Barbara Dryer 2:20-cv-05345 632 Eva M Longino 2:20-cv-05354 633

Debra Mitchell, as Proposed Representative of the Estate of Dennis M. Mitchell, Deceased

2:20-cv-05360 634

Vonda Smith, as Proposed Representative of the Estate of Thomas D. Smith, Deceased

2:20-cv-05368 635 John Johnson 2:20-cv-05380 636 Sharon D. Lee 2:20-cv-06715 637

Victor Culpepper, as Proposed Representative of the Estate of Lisa Culpepper, Deceased

2:20-cv-06986 638 Brenda Kellam 2:20-cv-07294 639 Sandra Loesche 2:20-cv-07344 640 Alex Montiel 2:20-cv-07345

