

other filings that apply to individual cases must be cross-filed, electronically through Electronic Case Filing ("ECF") to the master docket and to the individual civil action dockets. All motions currently pending in individual cases must be cross-filed to the master docket within 14 days of the date of this order.

4. FILING. Documents after the initial complaint in any transferred action shall be filed with the Clerk of this Court and not with the transferor court. All such pleadings must be filed electronically through ECF. Counsel shall take steps as necessary to be registered as electronic filers in the Western District of Pennsylvania and to familiarize themselves with the court's administrative procedures for filing as soon as practicable.

5. OFFICIAL COURT WEBSITE. The court has created and will maintain a web page devoted to the *In re: SoClean, Inc., Marketing, Sales Practices and Products Liability Litigation, MDL No. 3021*, which can be found at: <https://www.pawd.uscourts.gov/mdl-3021-re-soclean-inc-marketing-sales-practices-products-liability-litigation>. Through this website, parties may access orders, the calendar, transcripts, forms used in this MDL, contact information for the court's staff, plaintiffs' lead and liaison counsel (once appointed), defendant's counsel, frequently asked questions, agendas, reports, and other relevant information. Plaintiffs' co-lead and liaison counsel and defendant's counsel shall confer with the court with respect to the content of the website.

6. APPEARANCES. Counsel who appeared in a transferor court prior to transfer need not enter an additional appearance before this court. Moreover, attorneys admitted to practice and in good standing in any United States District Court are admitted pro hac vice in this litigation, and the requirements of Local Rules 83.2(A)(3) and 83.2(B) are waived. Association of local counsel is not required.

7. GENERAL RESPONSIBILITIES OF COUNSEL. The court will be guided by the *Manual for Complex Litigation, Fourth* (the "Manual"), as approved by the Judicial Conference of the United States, as well as by the Local Rules of Court for the United States District Court for the Western District of Pennsylvania, available at <http://www.pawd.uscourts.gov/sites/pawd/files/lrmanual20181101.pdf>, and the undersigned's Chambers Rules, available at http://www.pawd.uscourts.gov/sites/pawd/files/conti_pp.pdf. Counsel are directed to familiarize themselves with the *Manual*, the court's Local Rules of Court, and the undersigned's Chambers Rules.

8. COUNSEL COOPERATION. The court expects, indeed insists, that professionalism and courteous cooperation permeate this proceeding from now until this litigation is concluded. The court record should never be the repository of ill-chosen words arising out of a sense of frustration over real or imagined issues. Because of the high level of competence and experience of attorneys who are generally involved in multi-district litigation, this court is confident that this objective will be achieved without judicial intervention.

9. PRO SE LITIGANTS. Pro se litigants who have not been authorized to file electronically shall continue to file their pleadings with the Clerk of this court in the traditional manner, i.e., on paper.

10. COMMUNICATION WITH THE COURT. Unless otherwise ordered by this court, all substantive communications with the court shall be in writing, with copies to all other counsel. Nevertheless, cooperation by and among plaintiffs' counsel and by and among defendant's counsel is essential for the orderly and expeditious resolution of this litigation. The communication of information among and between plaintiffs' counsel and among and between defendant's counsel shall not be deemed a waiver of the attorney-client privilege or the protection afforded to attorney work product, and the cooperative efforts contemplated above shall in no way be used against any plaintiff by the defendant or against the defendant by any plaintiff. Nothing contained in this provision shall be construed to limit the rights of any party or counsel to assert the attorney-client privilege or attorney work product doctrine.

11. EXTENSION AND STAY OF DISCOVERY. The defendant is granted an extension of time for responding by motion or answer to the complaint(s) until a date to be set by this court. Pending further orders of this court, all outstanding discovery proceedings are stayed, and no further discovery shall be initiated. All pending motions are denied without prejudice and may be refiled after the date set by further order of this court following the appointment of the co-lead counsel.

12. PREVIOUS ORDERS. Any orders, including protective orders, previously entered by this court or any transferor court, shall remain in full force and effect unless modified by this court, with the exception of any transferor court orders imposing pleadings or discovery deadlines, which are hereby vacated.

13. PRESERVATION OF EVIDENCE. All parties and their counsel are directed to preserve evidence that may be relevant to this action. The duty extends to documents, data, and

tangible things in possession, custody and control of the parties to this action, and any employees, agents, contractors, carriers, bailees, or other nonparties who possess materials reasonably anticipated to be subject to discovery in this action. “Documents, data, and tangible things” is to be interpreted broadly to include without limitation: electronically stored information, writings, records, files, correspondence, reports, memoranda, calendars, diaries, minutes, electronic messages, text messages, voicemail, E-mail, telephone message records or logs, computer and network activity logs, hard drives, backup data, removable computer storage media such as USB flash drives, tapes, discs and cards, printouts, document image files, Web pages, social media data, databases, spreadsheets, software, books, ledgers, journals, orders, invoices, bills, vouchers, checks statements, worksheets, summaries, compilations, computations, charts, diagrams, graphic presentations, drawings, films, charts, digital or photographs, video, phonographic, tape or digital recordings or transcripts thereof, drafts, jottings and notes, studies or drafts of studies or other similar such material. Information that serves to identify, locate, or link such material, such as file inventories, file folders, indices, and metadata, is also included in this definition. Preservation includes turning off any automatic deletion functions and the obligation not to alter any such thing as to its form, content or manner of filing. Until the parties reach an agreement on a preservation plan or the court orders otherwise, each party shall take reasonable steps to preserve all documents, data and tangible things containing information potentially relevant to the subject matter of this litigation. Each counsel is under an obligation to the court to exercise all reasonable efforts to identify and notify parties and nonparties, including employees of corporate or institutional parties of the contents of this paragraph. Failure to comply may lead to dismissal of claims, striking of defenses, imposition of adverse inferences or other dire consequences. Before any devices (including without limitation computers, tablets, cellular telephones, cellular watches, etc.), tangible things, documents, or other records which are reasonably calculated to lead to admissible evidence are destroyed, altered, or erased, counsel shall confer to resolve questions about whether the information should be preserved. If counsel are unable to agree, any party may apply to this court for clarification or relief from this order upon reasonable notice.

14. PLAINTIFFS’ LEADERSHIP. The court contemplates the selection of a liaison counsel and two co-lead counsel. The court at the initial status conference, which is discussed

below, will consider—with the input of counsel—whether a different or more expansive leadership structure is necessary for the just and efficient resolution of this case.

- A. APPLICATIONS:** On or before **March 14, 2022**, any counsel that wants to be considered for co-lead or liaison counsel shall file an application at the master docket, 22-152. The main criteria considered for appointment as co-lead counsel or liaison counsel will be willingness and availability to commit to a time-consuming project, ability to work cooperatively with others, and professional experience in this kind of litigation. Applications should succinctly address each of the above criteria and any other relevant matters. No submissions longer than three pages will be considered. Only attorneys of record in this litigation may apply. The court will consider objections to the appointment of any applicant in writing and filed at the master docket, 22-152, on or before **March 16, 2022**. Objections must be succinct and supported by necessary documentation. The objections should not exceed three pages. On or before **March 18, 2022**, applicants may file at the master docket, 22-152, a reply to any such objection lodged against them.
- B. INTERVIEWS.** The court will interview the applicants for co-lead counsel and liaison counsel in person in open court during the initial status conference on **March 22, 2022, at 11:00 a.m.** (unless the number of applicants calls for a different procedure). The applicants should be prepared to attend the interviews in person in Courtroom 5A of the Joseph F. Weis, Jr. United States Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania 15219.
- C. INITIAL STATUS CONFERENCE.** The initial status conference will be held on **March 22, 2022, at 11:00 a.m.** in Courtroom 5A of the Joseph F. Weis, Jr. United States Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania 15219. The agenda at the initial status conference will be as follows:
- a. Introductions;
 - b. The court’s objectives;
 - c. Number and status of cases transferred into the MDL/Master Service List, and expectations concerning the ultimate number of cases;
 - d. Cooperation among counsel;
 - e. Protocol for appropriate contact with the court;
 - f. The duties and responsibilities of the liaison counsel and the co-lead counsel;

- g. Discussion about plaintiffs' leadership structure, including identification of subcommittees;
- h. Counsels' suggestions for procedures that will facilitate the expeditious, economical, and just resolution of this litigation, including whether a plaintiffs' steering committee should be appointed and whether plaintiffs intend to file a consolidated complaint or complaints;
- i. Schedules for initial motion practice and discovery;
- j. Service on all parties of summons and complaints;
- k. Confidentiality and entry of protective orders;
- l. Protocols governing electronically stored information;
- m. Scheduling of future conferences; and
- n. The appointment of special masters (including e-discovery special masters) and mediators.

D. APPEARANCE AT THE INITIAL STATUS CONFERENCE. One attorney representing each party may appear at the initial status conference. To minimize costs and facilitate a manageable conference, parties with similar interests may agree to have an attending attorney represent their interest at the conference. Any plaintiff appearing through a designated attorney instead of the plaintiff's attorney of record shall serve written notice of such arrangement on the master docket, 22-152, no later than **March 14, 2022**. By designating an attorney to represent a plaintiff's interest at the conference, the plaintiff will not be precluded from other representation during the litigation, or waive of any objections to jurisdiction, venue, or service.

E. COVID-19 PROTOCOLS. Counsel appearing in person before this court shall comply with the COVID-19 protocols in place in the United States District Court for the Western District of Pennsylvania. Counsel shall consult the court's website for updated information prior to any in-person hearing before the court. The court's operations and COVID-19 administrative orders can be found on the court's website: <https://www.pawd.uscourts.gov/court-operations-and-covid-19-administrative-orders>. The current administrative order with respect to the face-mask requirement is found at the following link: https://www.pawd.uscourts.gov/sites/pawd/files/NEW_Updated_Admin_Order_re_Masks_8-9-21_FILED.pdf.

F. ORDER SENT TO THE PANEL. The court DIRECTS the Clerk to send a copy of this order to the Clerk of the Panel.

IT IS SO ORDERED.

/s/ JOY FLOWERS CONTI

Joy Flowers Conti

Senior United States District Judge