

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:)	CASE NO. 1:24-MD-3093
)	
PIPE FLASHING PATENT LITIGATION)	ALL CASES
)	
)	
(MDL DOCKET NO. 3093))	JUDGE DONALD C. NUGENT

**PRACTICE AND PROCEDURE ORDER UPON TRANSFER
PURSUANT TO 28 U.S.C. §1407**

1. This order shall govern the practice and procedure in those actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to their order of January 30, 2024, as well as all related actions originally filed in this Court or transferred or removed to this Court. This order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rules 7.1 of the Rules of Procedure of that Panel subsequent to the filing of the final transfer order by the Clerk of this Court and any related actions subsequently filed in this Court or otherwise transferred or removed to this Court.

2. The actions described in paragraph 1 of this order are consolidated for pretrial purposes.

3. A signed original of any pleading or paper shall be electronically filed and one copy shall be forwarded directly to Judge Nugent's chambers, Courtroom 15A, United States Court House, 801 West Superior Avenue, Cleveland, OH 44113-1830. All papers filed in these actions

shall bear the identification “MDL Docket No. 3093,” and when such paper relates to all these actions, the MDL docket number shall be followed only by the notation “ALL CASES.” If such paper does not relate to all of these actions, the individual docket numbers assigned by the Clerk of this Court for those actions to which the paper relates shall also be listed. If such paper relates to five or fewer actions the abbreviated caption of each of the actions may be listed opposite its number.

4. Any paper which is to be filed in any of these actions shall be filed with the Clerk of this Court and not with the transferor district court.

5. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance before this Court.

6. Prior to the first pretrial conference service of all papers shall be deemed sufficient if the papers have been electronically filed as required above.

7. Upon remand of any of these actions the parties will be required to provide to this Court copies of any necessary and relevant papers previously filed.

8. No parties to any of these actions shall be required to obtain local counsel in this district and the requirements of Rule 83.5(a), (d), and (h) of the Rules of this Court are waived as to any attorney appearing in these actions who is duly admitted to practice before any United States Court.

9. Hearings shall not be held on any motions filed except by order of Court upon such notice as the Court may direct.

10. Any paper filed in any of these actions which is substantially identical to any other paper filed in another of these actions shall be sufficient if it incorporates by reference the paper

to which it is substantially identical. Where counsel for more than one party plan to file substantially identical papers they shall join in the submission of such papers and shall file only one paper on behalf of all so joined.


11. Any orders including protective orders previously entered by this Court or any transferor district court shall remain in full force and effect unless modified by this Court upon application.

12. All discovery proceedings in these actions are stayed until further order of this Court and the time requirements to perform any acts or file any papers pursuant to Federal Rules of Civil Procedure 26 through 37 are tolled until the first pretrial conference at which time a discovery schedule will be established.

13. The Court will be guided by the Manual For Complex Litigation, Fourth, 2023 Edition, approved by the Judicial Conference of the United States and counsel are directed to familiarize themselves with that publication.

14. All other matters will be discussed at the initial pretrial conference, to be held telephonically, before the Court, on Wednesday, March 6, 2024, at 11:00 a.m EST. Counsel will receive call-in instructions, via e-mail from the Court MDL Administrator, prior to the conference call.

IT IS SO ORDERED.



DONALD C. NUGENT
United States District Judge

DATED: _____

