

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN RE: BAYER HEALTHCARE LLC</b>	)	<b>Case No. 1:12 MD 2319</b>
<b>AND MERIAL LIMITED FLEA</b>	)	<b>MDL No. 2310</b>
<b>CONTROL PRODUCTS MARKETING</b>	)	
<b>AND SALES PRACTICES LITIGATION</b>	)	<b>Judge Dan Aaron Polster</b>
	)	
	)	<b><u>ORDER</u></b>
_____	)	

**\*THIS DOCUMENT APPLIES TO ALL CASES\***

On March 13, 2012, the Court issued an order scheduling a Case Management Conference (CMC) on Tuesday, May 1, 2012. At that time, the Court directed counsel to file, in preparation for the CMC, a suggested protocol for managing this MDL and to answer the following questions no later than 4:00 p.m. Eastern Time on April 23, 2012:

1. Why is it necessary to have multiple class actions that appear to be virtually identical?
2. What are the key factual and legal issues involved in the MDL that must be addressed before a resolution can be reached?

(Doc #: 4, at 1.) The Court hereby directs counsel to answer the following additional questions in the same April 23<sup>rd</sup> filing

3. Are the Merial products at issue in this MDL separate from the Bayer products? Are the Merial and Bayer Defendants separate entities? If the products are separate and the entities are separate, how can the two separate defendants be joined in the same case?

Again, if counsel are unable to agree on the suggested protocol, this filing shall reflect each side's differing views.

**IT IS SO ORDERED.**

*/s/ Dan A. Polster March 30, 2012*

**Dan Aaron Polster**

**United States District Judge**