

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

IN RE: DEPO-PROVERA (DEPO  
MEDROXYPROGESTERONE  
ACETATE) PRODUCTS LIABILITY  
LITIGATION

Case No. 3:25-md-3140

This Document Relates to:  
All Cases

Judge M. Casey Rodgers  
Magistrate Judge Hope T. Cannon

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**PRETRIAL ORDER NO. 19  
(Supplemental Order Governing Production of Documents and Electronically  
Stored Information—Defendant Prasco LLC Search & Validation Protocol)**

In accordance with Paragraph 21 of Pretrial Order No. 13 (“Order Governing Production of Documents and Electronically Stored Information”), Plaintiffs and Defendant Prasco LLC (“Prasco”) have met and conferred regarding a protocol for the collection and identification of potentially responsive documents for review by Prasco and ultimate production in this MDL. The agreed-upon protocol (*see Exhibit A*) sets forth the processes and procedures Prasco will use for the collection and identification of potentially responsive documents for review and ultimate production herein, as well as the validation processes Prasco will employ with regard to its search for potentially responsive documents. The agreed-upon protocol is approved and adopted herein.

**SO ORDERED** this 27th day of March, 2025.

*M. Casey Rodgers*

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**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**

## EXHIBIT A

### PROTOCOL FOR PRASCO'S COLLECTION, REVIEW, AND PRODUCTION OF DOCUMENTS IN MDL 3140

#### Guiding Principles

This document sets forth the general process Prasco will use for the collection and review of documents and data for ultimate production in “Phase One” discovery in *In re Depo-Provera Products Liability Litigation*, MDL No. 3140. The parties recognize that any collection, review, and production of documents must be reasonable and proportional to the needs of the case.

#### Collection, Search, and Validation Process

Except as otherwise set forth in the Order Governing Production of Documents and Electronically Stored Information (the “ESI Protocol”), as agreed to among the Parties, or as otherwise Ordered by the Court, below are the steps that will be followed by Prasco to identify potentially responsive documents for review and production in this litigation:

1. Collection of Documents. Prasco will prepare the starting universe of documents by collecting applicable classes of documents from custodial and non-custodial sources without application of any search term. However, given the start date of Prasco's involvement with depot medroxyprogesterone acetate, for custodians who had no role or involvement at Prasco with medroxyprogesterone acetate prior to January 1, 2020, the Parties agree that email collections for such custodians will be date restricted to January 1, 2020, through March 3, 2025. Consistent with the ESI Protocol, Prasco will segregate materials subject to identification by search terms/CAL versus other identification/review processes.
2. Platform/Vendor. Prasco is hosting data in a RelativityOne workspace. Prasco has retained Epiq as its vendor for purposes of document collection, processing, hosting, and ultimate production (as may be necessary), in *In re Depo-Provera Products Liability Litigation*, MDL No. 3140.

### 3. Potential Culling/Review Tools.

Prasco may elect to use the following methods for culling and/or review of custodial data, depending upon the volume and initial examination of data collected by Prasco:

- a. Linear (human) review without data culling;
- b. Search terms alone for data culling and subsequent review; or
- c. Relativity Review Center Prioritized Review.

### 4. Culling Via Search Terms.

To the extent Prasco intends to use search terms for data culling purposes, the parties agree to the following procedures:

- a. Prasco will propose an initial set of search terms to Plaintiffs on or before March 28, 2025; Plaintiffs may propose a list of additional search terms on or before April 4, 2025. Prasco may respond to Plaintiffs' proposed terms with suggestions or revisions (e.g., for syntax or use of wildcards).
- b. After receiving Plaintiffs' proposed list of additional search terms, Prasco will test Plaintiffs' proposed terms alongside Prasco's terms on the custodial materials then available in Relativity, and advise Plaintiffs whether any of Prasco's proposed terms will be revised, whether any of Plaintiffs' terms returned zero hits, and whether any of Plaintiffs' proposed terms appear problematic upon Prasco's sampling and review of documents subject to such search terms. Prasco will reasonably exchange information concerning Plaintiffs' requested supplemental terms, and the parties must confer thereon to reach an agreed initial set of search terms.
- c. Once Plaintiffs and Prasco agree on search terms and the agreed terms are tested, Prasco will draw the following simple random samples of documents from the full collection. Prasco's statistical samples will contain 2000 documents. 1000 of the documents will be randomly

drawn from the set of search-term hits and 1000 documents will be randomly drawn from the set of search-term misses. The two samples will be randomly interspersed and a full responsiveness review will be performed by a blind reviewer who is provided with no information about the source of the documents. An estimation will be made of the recall and precision achieved by the application of the proposed list of search terms. The recall and precision will be assessed in light of proportionality considerations. There is no predetermined level of recall or precision that is considered de facto acceptable, but rather a determination of what is acceptable will be based on a reasonable overall balance of the two metrics, including the expected burden of review versus the fruitfulness of the effort. Prasco will share the statistically determined recall and precision estimates with the plaintiffs, and will also share the responsive documents identified through the sampling exercise. To the extent additional responsive documents are identified by the process set forth in Paragraph 3(c), Prasco will reasonably supplement the search term list to capture additional responsive documents like those identified through their sampling process. To the extent the volume of responsive documents is lower than these thresholds, the Parties will meet and confer regarding an appropriate sample population.

- d. The search terms will then be applied to the universe of collected documents. The documents that contain hits on search terms (the “Review Population”) will be processed in accordance with the ESI Protocol, and a manual review of the Review Population will be conducted to assess responsiveness. Thereafter, the responsive, non-privileged documents from the Review Population will be produced in accordance with the ESI Protocol.
5. Culling Via Relativity Review Center Prioritized Review. If Prasco elects to use Prioritized Review within Relativity Review Center, Prasco will notify Plaintiffs of such. Prasco will follow the process and procedures for Relativity Review Center Prioritized Review, including validation protocols as set forth

in detail in RelativityOne documentation.<sup>1</sup> Prasco must configure its Relativity Review Center Prioritized Review process such that no less than 10% of documents presented for review are selected randomly from the corpus of documents subject to review; if during the course of its review, Prasco believes that a lesser percentage of random documents should be interspersed in its process, the parties must reasonably meet and confer to address that concern. When Prasco determines it is appropriate to cease review and proceed to formal validation pursuant to Paragraph 6, it will provide Plaintiffs with the review validation statistics generated by the Relativity Review Center Prioritized Review system. The use of the Relativity Review Center Prioritized Review process and validation does not affect the additional validation process set forth in Paragraph 6.

6. Validation of Search & Production – For Search-Term Based Culling/Review.

Upon completion of its review of the Review Population, Prasco will validate the efficacy of their search and production using a validation protocol consistent with the validation protocol used in *In re Broiler Chickens*, i.e.:

- a. Prasco will draw a fresh random sample of documents (the “Validation Sample”) from each of the following three strata and in the following sizes:
  - (i) 1,500 random documents drawn from the set of documents that the search terms did not hit on;
  - (ii) 750 random documents drawn from the documents that the search terms hit on that were determined by reviewers to be responsive; and
  - (iii) 750 random documents drawn from the documents that the search terms hit on that were determined to be non-responsive.

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[https://help.relativity.com/RelativityOne/Content/Relativity/Review\\_Center/Review\\_Center.htm](https://help.relativity.com/RelativityOne/Content/Relativity/Review_Center/Review_Center.htm).

To the extent the volume of responsive documents is lower than these thresholds, the parties will meet and confer regarding an appropriate validation sample population.

- b. The documents will be randomly interspersed, and a full responsiveness review will be performed on the combined sample by reviewers blinded to the strata from which the documents were drawn and any prior review determinations.
  - c. From this review of the Validation Sample, an overall estimated recall and precision of the putative production will be determined. Prasco will share the statistically determined recall and precision metrics with Plaintiffs, and will share the responsive documents identified through the validation process including the strata from which each was drawn.
  - d. The Parties will thereafter meet and confer to try to reach agreement based on the reported recall and precision, and the novelty and substantiality of the responsive documents surfaced through validation, about whether the relevant production is adequate.
7. Validation of Search & Production – For Relativity Review Center Prioritized Review Based Culling/Review.

Upon discontinuing its review of the corpus of documents subjected to Relativity Review Center Prioritized Review, Prasco will validate the efficacy of its Relativity Review Center Prioritized Review and production using a validation protocol consistent with the validation protocol used in *In re Broiler Chickens*, i.e.:

- a. Prasco will draw a fresh random sample of documents (the “Validation Sample”) from each of the following three strata and in the following sizes:
  - (i) 1,500 random documents drawn from the set of documents that were not reviewed by reviewers through the Relativity Review Center Prioritized Review process;

(ii) 750 random documents drawn from the documents that were subjected to prioritized review through the Relativity Review Center Prioritized Review tool and were determined by reviewers to be responsive; and

(iii) 750 random documents drawn from the documents that were subjected to prioritized review through the Relativity Review Center Prioritized Review tool and were determined by reviewers to be non-responsive.

To the extent the volume of responsive documents is lower than these thresholds, the parties will meet and confer regarding an appropriate validation sample population.

- b. The documents will be randomly interspersed, and a full responsiveness review will be performed on the combined sample by reviewers blinded to the strata from which the documents were drawn and any prior review determinations.
  - c. From this review of the Validation Sample, an overall estimated recall and precision of the putative production will be determined. Prasco will share the statistically determined recall and precision metrics with Plaintiffs, and will share the responsive documents identified through the validation process including the strata from which each was drawn.
  - d. The Parties will thereafter meet and confer to try to reach agreement based on the reported recall and precision, and the novelty and substantiality of the responsive documents surfaced through validation, about whether the relevant production is adequate.
8. Supplemental Search Terms. Prasco will reasonably comply with Plaintiffs' requests for supplemental search terms. In such instance, to the extent new/supplemental terms are implemented, Prasco may prepare a new statistical sample to assess the responsiveness rate for the revised set of search terms, and may review, estimate responsiveness rate, and assess the revised set of search terms for acceptability.



9. Supplemental Requests/Alternative Identification Means. Prasco will use good faith efforts to comply with Plaintiffs' reasonable and good faith requests concerning ongoing document collection and review processes. Prasco will make good faith efforts to comply with Plaintiffs' requests for alternative means to identify potentially responsive documents or information not well suited to identification by search terms or omitted during the review process, and/or targeted requests for specific documents.
10. Conferral & Disputes. To the extent the Parties have any disputes with regard to the implementation of the process hereunder, they must promptly meet and confer in an effort to reach resolution. Absent agreement, the Parties may present their dispute to the Court for resolution.