

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

IN RE: DEPO-PROVERA (DEPOT
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

**PRETRIAL ORDER NO. 22A
(Amendment Regarding Identification of Deficiencies in Threshold Proof of
Use and Injury Requirements)**

In Pretrial Order (“PTO”) No. 22, the Court set forth a process for identifying deficiencies in the Threshold Proof of Use that Plaintiffs must provide in accordance with PTO No. 17. The Court noted that some number of Plaintiffs, despite diligent efforts, may be unsuccessful in obtaining Threshold Proof of Use documentation because their alleged use of Depo-Provera occurred many years ago, and that the Court would address the concern once the scope of the issue was better understood. *See* PTO 22 at 4–5. Based on deficiencies (and resulting Orders to Show Cause) that have been identified to date, and to address this remote-use issue, Plaintiffs and Defendants have agreed upon, and the Court now orders, one amendment to the identification of deficiencies in Threshold Proof of Use documentation.

Based on the Parties’ agreement, if a Plaintiff cannot provide Threshold Proof of Use documentation in the manner required in PTO No. 22, but the Plaintiff

satisfies the below criteria, then for present purposes only, the Plaintiff will qualify for a “Deficiency Exception” and the Court will not issue an Order to Show Cause as to that Plaintiff to cure the deficiency. BrownGreer will make an initial determination whether a Plaintiff has satisfied the below criteria and will consult with the Parties to ensure they agree with such determination. BrownGreer will also track the number of Plaintiffs who qualify for a Deficiency Exception.

A Plaintiff qualifies for a Deficiency Exception under this Order if the Plaintiff cannot provide the Threshold Proof of Use documentation required under PTO No. 22 but does provide to BrownGreer, within the time period to cure a deficiency in the Plaintiff’s Threshold Proof of Use, a Declaration signed by the Plaintiff under penalty of perjury that:

1. Affirms that the Plaintiff’s sole alleged use of Depo-Provera was before June 2005;
2. Identifies all healthcare providers, pharmacies, or other entities that provided and/or administered Depo-Provera to the Plaintiff;
3. Affirms that Plaintiff has requested records from each person or entity identified in paragraph 2, seeking proof of her alleged use of Depo-Provera;
4. Affirms that all of those persons or entities have responded that no records concerning the Plaintiff exist for the time period that Plaintiff alleges

Depo-Provera use (as opposed to providing records that do not show the use of Depo-Provera), or that the Plaintiff has reliable proof that the person or entity no longer exists or cannot be located (for example, a return-to-sender response to Plaintiff's request); and

5. Attaches the requests and responses sent and received pursuant to paragraphs 3 and 4.

Nothing in this PTO No. 22A impacts any other provision of PTO No. 22, including any provision relating to Threshold Proof of Injury, which remains in full force and effect.

Although a Plaintiff who qualifies for a Deficiency Exception under this Order will not be subject to an Order to Show Cause pursuant to PTO Nos. 17 and 22, Defendants have the right to argue at a later stage of this litigation that the Declaration and documents the Plaintiff provides in order to qualify for the Deficiency Exception are not sufficient for purposes of avoiding summary judgment or otherwise. *See, e.g.*, PTO 22, Ex. A at 1 (“The Court is not determining at this time whether such a patient history will ultimately constitute proof of use for purposes of this litigation . . .”).

SO ORDERED, on this 11th day of September, 2025.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE