

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, CIVIL TRIAL DIVISION

IN RE: YAZ®, YASMIN®, OCELLA®
PRODUCT LIABILITY LITIGATION

SEPTEMBER TERM, 2009

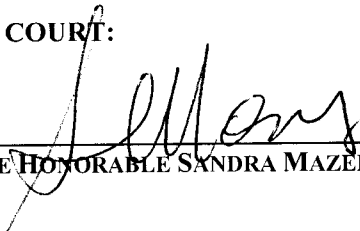
NO. 1307

APPLICABLE TO ALL CASES

CASE MANAGEMENT ORDER NO. 12
(Deposition and Business Records of Dr. Maureen Cronin)

THIS MATTER, having been opened to the Court by counsel for the Parties, and the Parties having consented, stipulated and agreed and good cause appearing, IT IS, on this 20th day of Oct., 2010, hereby **ORDERED** that the terms of the agreement set forth in the October 18, 2010, letter from Defendants' Liaison counsel to Plaintiffs' Liaison counsel attached hereto as Exhibit "1" are applicable in this litigation.

BY COURT:



THE HONORABLE SANDRA MAZER MOSS

In Re: Yaz/Yasmin/Ocella Litigation-ORDER



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DOCKETED
COMPLEX LIT CENTER

OCT 21 2010

J. STEWART

October 18, 2010

Via Electronic Mail and First Class Mail

Michael M. Weinkowitz, Esquire
Levin, Fishbein, Sedran & Berman
510 Walnut Street, Suite 500
Philadelphia, PA 19107
MWeinkowitz@lfsblaw.com

Re: Philadelphia YAZ®/Yasmin®/Ocella® Product Liability Litigation

Dear Mike:

This will confirm that the Pennsylvania Plaintiffs have agreed to accept the same terms as the New Jersey Plaintiffs in connection with Dr. Maureen Cronin's deposition. Bayer agrees to abide by those terms in the Pennsylvania litigation. Those terms, as set forth in Doug Marvin's letter dated September 30, 2010, to Dave Buchanan are:

1. The Bayer defendants shall not require the plaintiffs to lay a business record foundation for the introduction of a document produced by Bayer defendants with Bates numbers and authored by Dr. Cronin unless there is a good faith belief that the exhibit was not created and maintained in the ordinary course of business.
2. Except as specifically set forth above, nothing in this agreement in any way limits any party's ability to argue against admissibility or use of documents authored by Dr. Cronin and all other objections to such documents are expressly reserved.
3. The Bayer defendants agree that they will not call Dr Cronin as a witness at any trial in any of the Yaz/Yasmin proceedings, either in person or by a *de bene esse* deposition, unless Dr Cronin were to agree to make herself available for a discovery deposition not less than 75 days in advance of the trial.

If you have any questions, please do not hesitate to call me.

Very truly yours,



Albert G. Bixler

AGB:jg
M0863830

cc: Douglas R. Marvin, Esquire (via e-mail)