

**IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY, PENNSYLVANIA**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION - CIVIL**

IN RE	:	
	:	
REGLAN®/METOCLOPRAMIDE	:	JANUARY TERM, 2010
LITIGATION	:	NO. 01997
	:	

DISCOVERY MASTER ORDER NO. 11

AND NOW, to wit, this 24th day of June, 2010, following an extended conference with counsel on June 23, 2010, the Court-appointed Discovery Master, Harris T. Bock, Esquire, hereby **ORDERS** as follows:

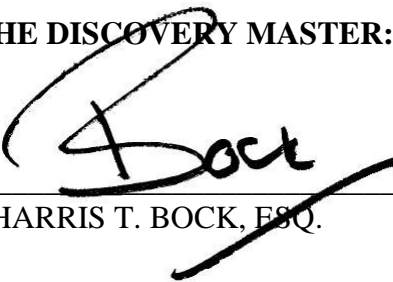
1. The next conference with the Discovery Master and all counsel electing to participate will be held **all day on Monday, July 26, 2010 commencing at 10:00 a.m.** at Golkow Technologies, One Liberty Place, 1650 Market Street, Suite 5150, Philadelphia, Pennsylvania, 19103, unless advised to contrary.
2. **Preservation Order:** Counsel shall meet and confer and submit to the Discovery Master by the close of business on Wednesday, June 30, 2010 a Discovery Preservation Order, which will not address the “method” of preservation, but will address “what” is to be preserved. The Preservation Order shall contain a provision that directs each defendant to submit to the Discovery Master and PLC an affidavit detailing their respective methods of preservation. Such affidavits will be due within fifteen (15) days from the date the Discovery Master executes the Preservation Order. The method of preservation of any defendant may be

challenged by the PLC upon good cause shown. It is anticipated that the terms of such Order shall be incorporated into a future Case Management Order.

3. **Short Form Complaint Issues:** Counsel shall meet and confer to improve the manner in which plaintiffs' counsel comply with the product identification response in their respective Short Form Complaints. Moreover, plaintiffs' counsel are reminded to serve all documents on the designated service agents until defense counsel enter their appearances in the individual cases.
4. **"Fringe" Defendants:** Counsel shall meet and confer to develop a clear protocol for the discontinuance of actions **without prejudice** against defendants with whom plaintiff has no apparent nexus. Counsel shall also develop a protocol regarding the absence of obligation of such defendants who have no apparent culpability to answer discovery.
5. **Deficient Plaintiff's Fact Sheet CMO:** Counsel shall continue to meet and confer to develop a case management order setting forth the protocol for addressing alleged deficiencies in the Plaintiffs' Fact Sheets. The primary emphasis of such protocol shall be an informal process before the Master with resort to the Court being exercised sparingly.
6. **Hassett Discovery:** Counsel shall meet and confer to develop a discovery schedule for the production of documents in the *Hassett* matter. Rolling production of documents should begin no later than September 1, 2010 with such first production including the expert materials referenced in Discovery Master Order No. 8. Counsel shall work to determine an end date that is consistent with CMO No. 7, as well as to address estimates on the volume of the production.

7. **Deposition Vendor:** The Court, the Discovery Master, the PLC, and in general, the DLC, are desirous of selection of an exclusive court reporting agency. In view of the Discovery Master's expectation that depositions will start in September, this should be accomplished by the next conference, to wit, July 26, 2010.
8. **Agenda:** As soon as practicable, counsel shall submit to the Discovery Master a specific agenda regarding issues to be addressed at the July 26, 2010 conference, along with any supporting materials for the Discovery Master to review prior to the conference.

BY THE DISCOVERY MASTER:



HARRIS T. BOCK, ESQ.