

**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. 3**

**AND NOW**, to wit, this 26th day of March, 2010, following a conference with counsel on March 25, 2010, the Court-appointed Discovery Master, Harris T. Bock, Esquire, hereby **ORDERS** as follows:

1. A further conference with the Discovery Master and all counsel electing to participate will be held in the offices of **Raymond M. Williams, Esquire of DLA Piper, One Liberty Place, 1650 Market Street, Suite 4900, Philadelphia, Pennsylvania, 19103, all day on Wednesday, April 7, 2010 commencing at 9:30 a.m.**
2. All plaintiffs' counsel who wish to participate via telephone conference should contact Buffy K. Martines, Esquire via email at [buffym@lpm-triallaw.com](mailto:buffym@lpm-triallaw.com) or via telephone (713-292-2750), and all defense counsel who wish to participate via telephone conference should contact Megan E. Grossman, Esquire via email at [mgrossman@smsm.com](mailto:mgrossman@smsm.com) or via telephone (215-399-2003).
3. The entry of a Case Management Order in the *Hassett* matter is deferred. The Discovery Master will recommend a Case Management Order in *Hassett* after

obtaining a more comprehensive understanding of the scope and complexity of discovery to be accomplished.

4. Prior to the close of business on Tuesday, March 30, 2010, defense counsel shall identify to plaintiffs' counsel all documents that have been produced heretofore in other Reglan®-related litigation that they are willing to voluntarily produce, as well as the format of said documents.
5. Prior to the April 7, 2010 Discovery Master conference, counsel shall attempt to agree upon a global protective order pertaining to production of documents.
6. Prior to the April 7, 2010 Discovery Master conference, defense counsel shall discuss with plaintiffs' counsel the proposals and options for the records services entity to serve as the exclusive record copying service and the repository for such records. The parties shall attempt to agree on such entity or be prepared for the Discovery Master to recommend one at the April 7, 2010 conference.
7. With respect to the Plaintiff Fact Sheet:
  - a. The Discovery Master reminds all counsel that such Fact Sheet is intended to be a global document utilized to obtain significant and pertinent information from the plaintiffs, in order to streamline discovery and improve efficiency in the litigation process. However, it is not intended to preclude the defense from seeking additional information on a case by case basis, upon a showing of good cause to the Discovery Master.
  - b. Regarding Section III(B)(5) pertaining to medical history questions directed to plaintiffs' parents and siblings, by April 1, 2010, at their option if they wish to revisit the Discovery Master's preliminary ruling, defense counsel may

provide to the Discovery Master for an *in camera* review any and all scientific data purporting to support the contention that said medical history questions should include schizophrenia, psychosis, bipolar disease, depression, anxiety disorder, mood disorder, and suicidal ideation.

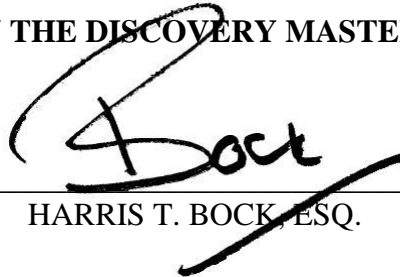
- c. Regarding Section V(E)(1) pertaining to medical history questions directed to plaintiffs, by April 1, 2010, at their option if they wish to revisit the Discovery Master's preliminary ruling, plaintiffs' counsel may provide to the Discovery Master for an *in camera* review any and all scientific data and/or legal precedent purporting to support the contention that the history of said health conditions is not discoverable.
  - d. Regarding Section V(H)(1) pertaining to drug use history, said request shall be limited to the five year period immediately preceding the initial ingestion of Reglan®/metoclopramide, provided, however, that plaintiffs be required to identify any drug(s) on the list that were taken for a period of five or more years at any time during their lifetime.
8. With respect to Plaintiffs' Master First Set of Revised Interrogatories to Generic and Brand Defendants, the Discovery Master finds as follows:
- a. Interrogatory No. 3 – The parties have agreed that there will be no further revision to this Interrogatory.
  - b. Interrogatory No. 6 – Since this Interrogatory requests the identification and not the production of the information contained therein, there shall be no further revision to this Interrogatory.
  - c. Interrogatory No. 7 – Since this Interrogatory requests the identification and

not the production of the information contained therein, there shall be no further revision to this Interrogatory.

- d. Interrogatory No. 9 – Defendants’ objection to this Interrogatory is sustained. Plaintiffs may submit to the Discovery Master by April 1, 2010 a memorandum of law supporting plaintiffs’ contention that said Interrogatory is proper.
  - e. Interrogatory No. 12 – The parties have agreed to work together to redraft this Interrogatory, and shall notify the Discovery Master prior to April 7, 2010 whether they have reached an agreement, or whether a dispute remains.
9. As soon as practicable prior to the upcoming conference, counsel shall submit to the Discovery Master a specific agenda regarding issues to be addressed at the April 7, 2010 conference, along with any supporting materials for the Discovery Master to review prior to the conference.
  10. All documents that are exchanged between counsel and provided to the Discovery Master shall be marked with some indicia to ensure that all participants are reviewing the same document.
  11. The Discovery Master has created an online docket, which can be accessed by the “In re: Reglan®/metoclopramide” link at [www.adrdri.com](http://www.adrdri.com). This docket will contain all Case Management Orders, Discovery Master Orders, any global discovery documents agreed upon by the parties, and other non-confidential information deemed pertinent by the Discovery Master.
  12. Plaintiffs’ counsel are reminded to comply with Case Management Order No. 1, which can be accessed at the online docket, with respect to service of process of

Writs of Summons and Complaints. Counsel shall provide an updated service address for all defendants.

**BY THE DISCOVERY MASTER:**

A handwritten signature in black ink, appearing to read "H. Bock", is written over a horizontal line. The signature is stylized and cursive.

HARRIS T. BOCK, ESQ.