

**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. 40-A

AND NOW, to wit, this 21st day of June, 2011, following certain requests for clarification of Discovery Master Order No. 40, the Court-appointed Discovery Master, Harris T. Bock, Esquire, hereby **ORDERS** as follows:

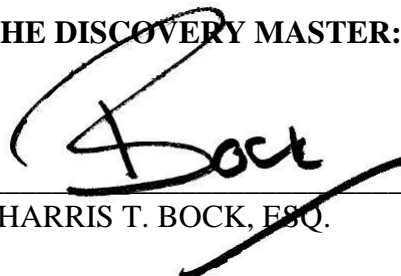
1. **Search Terms:** In accordance with the directives of Judge Moss:
 - a. *Wyeth* – By the close of business on August 1, 2011, Wyeth shall review 100,000 (i.e. 55.55%) of the 180,000 **pages** identified as part of its further searches, and provide to the Discovery Master and PLC a report regarding its determination of the number of responsive documents contained therein.
 - b. *Pliva* - By the close of business on August 1, 2011, Pliva shall review 55.55% of the 84,000 documents (but not to exceed 100,000 **pages**) identified as part of its further searches, and provide to the Discovery Master and PLC a report regarding its determination of the number of responsive documents contained therein.
 - c. *Teva* - By the close of business on August 1, 2011, Teva shall review 55.55% of the documents (but not to exceed 100,000 **pages**) identified as part of its further searches, and provide to the Discovery Master and PLC

a report regarding its determination of the number of responsive documents contained therein.

- d. The foregoing defendants reserve the right to make a further application to the Discovery Master if, based upon the foregoing, it appears that few or no documents are responsive to plaintiffs' document production requests.
- e. The date of production of any documents as a result of the foregoing will be determined following the Discovery Master's review of the foregoing reports.

2. **Product ID Dismissal:** PLC are directed to communicate with all plaintiffs' counsel to ensure that the product dismissal protocol set forth in CMO 12 is complied with. In view of Mr. Funk's June 15, 2011 correspondence to the Discovery Master, and the request therein for cooperation from defense counsel, plaintiffs' counsel and defense should meet and confer on a case-by-case basis, if necessary and practical, to implement the dismissal protocol. By the close of business on Friday, June 24, 2011, all defense counsel seeking dismissal via the CMO 12 protocol shall provide to the Discovery Master a complete listing of cases wherein their respective clients have not yet been identified, and the remedies and procedures set forth in CMO 12 **have been exhausted**. If a defendant has not yet been identified, but counsel has not yet exhausted the procedure in CMO 12, then the matter is not ripe for review and should not be included in the foregoing listing.

BY THE DISCOVERY MASTER:



HARRIS T. BOCK, ESQ.