

**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. 59

AND NOW, to wit, this 3rd day of February, 2012, the Court-appointed Discovery Master, Harris T. Bock, Esquire, hereby **ORDERS** as follows:

1. **Deposition of Dr. Emily Morley - CLARIFICATION:** Plaintiffs are entitled to the issuance of a Commission for the service of a subpoena on Dr. Morley under the following conditions:
 - a. The length of the deposition, *exclusive of breaks and follow-up questions from defense counsel*, shall not exceed four and one-half (4.5) hours.
 - b. By the close of business on Friday, February 10, 2012, plaintiffs' counsel shall provide to the Discovery Master for *in camera* review a detailed description of the areas/topics plaintiffs seek to pursue in the deposition.
 - c. Thereafter, the Discovery Master may issue restrictions on the scope of Dr. Morley's deposition.
 - d. The deposition shall occur not sooner than thirty (30) days from the issuance of the Discovery Master's determination in subsection (c) herein.

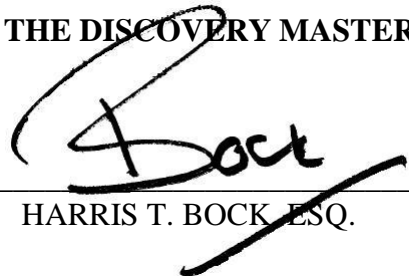
2. **Plaintiffs' Dismissal of Generic Defendants for Trial Selected Cases:** Any objection to plaintiffs' notice of dismissal of generic defendants from trial selected cases shall be due by the close of business on Monday, February 13, 2012. All other

terms and conditions in Paragraph 1 of Discovery Master Order No. 58 shall remain in full force and effect.

3. **PEM-related Discovery:** The Discovery Master is underwhelmed by plaintiffs' demonstration that treating doctors have provided testimony that they have relied on information provided by the PEM defendants when making prescribing decisions. In view of the foregoing, the Discovery Master directs as follows:

- a. ***Discovery Regarding Doctors and Hospital:*** By the close of business on Monday, February 13, 2012, PEM defense counsel shall submit to the Discovery Master a proposed protocol addressing prospective discovery requirements to be triggered by plaintiffs' demonstration that doctors and hospitals have relied on information provided by the PEM defendants when prescribing metoclopramide. Plaintiffs' response thereto shall be due by the close of business on Friday, February 17, 2012.
- b. ***PEM Identification Discovery:*** The foregoing protocol shall also address identification discovery directed to third-parties, such as pharmacies. The Discovery Master appreciates the procedural and practical limitations on plaintiffs in obtaining discovery from these third-parties, and the protocol must be crafted accordingly.

BY THE DISCOVERY MASTER:



HARRIS T. BOCK, ESQ.