

**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. 9**

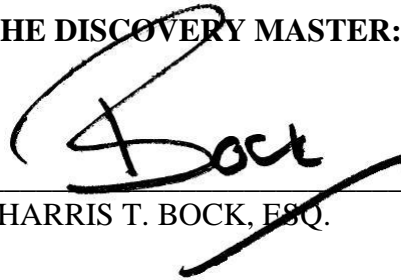
**AND NOW**, to wit, this 9th day of June, 2010, following an extended conference with counsel on June 8, 2010 the Court-appointed Discovery Master, Harris T. Bock, Esquire, hereby **ORDERS** as follows:

1. The next conference with the Discovery Master and all counsel electing to participate will be held **all day on Wednesday, June 23, 2010 commencing at 9:30 a.m.**, at Golkow Technologies, One Liberty Place, 1650 Market Street, Suite 5150, Philadelphia, Pennsylvania, 19103.
2. **Defendant Fact Sheet:** All outstanding issues regarding the Defendant Fact Sheet (“DFS”) were resolved by the close of the June 8, 2010 Conference. As such, the DFS shall be finalized and incorporated into Case Management Order No. 9 to be submitted to the Court as soon as possible.
3. **Document Production Protocol:** All outstanding issues regarding the Document Production Protocol were resolved by the close of the June 8, 2010 Conference. As such, the protocol should be finalized and incorporated into CMO No. 9, in view of Judge Moss’ directive to consolidate the CMOs.

4. **Requests for Production:** In accordance with the discussions and agreements at the June 8, 2010 Conference, counsel shall meet and confer regarding the drafting of additional Requests for Production. The completion of same shall incorporate agreed-upon revisions to those requests addressing the foreign regulatory issues.
5. **“Pfizer/Wyeth” Issue:** Pfizer acquired Wyeth, a former manufacturer of name-brand Reglan®. All counsel agree that if Pfizer has no liability in this litigation, it behooves all involved to make that determination as soon as possible. Counsel have discussed a possible tolling agreement that would afford counsel the opportunity to explore Pfizer’s potential liability without prejudicing either Pfizer or prospective plaintiffs. Accordingly, a stay is hereby issued through June 23, 2010, the intent of which is to toll the responsibility of Pfizer to respond to discovery requests. By the close of business on **Monday, June 14, 2010**, counsel for Pfizer shall produce to PLC a copy of the agreement regarding Pfizer’s acquisition of Wyeth. This matter shall be an agenda item for further discussion at the June 23, 2010 Discovery Master Conference.
6. **Preservation Order:** Counsel may submit further briefs on this issue, simultaneously, by the close of business on Tuesday, June 15, 2010, and reply briefs may be submitted by the close of business on Friday, June 18, 2010. Counsel shall explore the possibility of an agreed-upon order that focuses more on “what” is being preserved and less on “how” the preservation is being implemented.
7. **Product ID Dismissal Procedure:** This matter shall be an agenda item for further discussion at the June 23, 2010 Discovery Master Conference.

8. As soon as practicable, counsel shall submit to the Discovery Master a specific agenda regarding issues to be addressed at the June 23, 2010 conference, along with any supporting materials for the Discovery Master to review prior to the conference.

**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.