

**IN RE  
REGLAN®/METOCLOPRAMIDE  
LITIGATION**

**This document relates to all cases**

COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY, PA

1001-01997  
CIVIL ACTION

**DOCKETED  
COMPLEX LIT CENTER**

**AUG 3 2011**

**J. STEWART**

**CASE MANAGEMENT ORDER NO. 21**

**ADDENDUM PROTECTIVE ORDER GOVERNING ALL  
REGLAN®/METOCLOPRAMIDE CASES WITH PATIENT EDUCATION  
MONOGRAPH ("PEM") DEFENDANTS**

This Case Management Order supplements Case Management Order No. 5, which sets forth the Protective Order governing all Reglan®/Metoclopramide cases ("this Litigation") in the Court of Common Pleas of Philadelphia County ("this Court"), and this Court finds good cause for the entry of this Addendum Protective Order governing this Litigation involving PEM defendants as follows:

1. Any PEM defendant in this Litigation who is obligated to produce confidential, unredacted licensing and business documents (the "Confidential Documents") will produce an unredacted copy and a redacted copy of the Confidential Documents directly to plaintiffs' PEM liaison counsel, who may only share them with plaintiffs' counsel in this Litigation. The unredacted copy of the Confidential Documents shall not be distributed to any parties outside this Litigation or to any of the other defendants' counsel including counsel for any of the other PEM defendants in this Litigation without approval of the producing party. However, copies of the redacted Confidential Documents, which remain Confidential under this Order and Case Management Order No. 5, can be produced to counsel for any other party in a particular action in this Litigation, if required. Nothing in this section shall limit the use of the Confidential

In Re: Reglan Litigation-ORDER



10010199700303

Documents by the “eight categories of persons” identified in Case Management Order No. 5, Section 2A.

2. Use of Confidential Documents produced by PEM defendants in this Litigation may not be used in other litigation outside of this Litigation (except on appeal) without the written agreement of an attorney for the party who produced the Confidential Documents in this Litigation. Within 30 days after the conclusion of the last of the Reglan/Metoclopramide cases filed by the plaintiffs’ attorneys against the producing PEM defendant, the plaintiffs’ attorneys involved in the Litigation shall either return all documents and information to the producing PEM defendant at a location in Philadelphia, Pennsylvania selected by the producing PEM defendant at the Plaintiff’s attorney’s expense, or produce an affidavit executed by the Plaintiff’s attorneys indicating that all of the documents from that PEM defendant have been deleted or destroyed or will be deleted or destroyed within a reasonable time.

3. However, Plaintiffs’ counsel may reference Confidential Documents produced by a PEM defendant in conversations with the producing party’s counsel or in briefing to a court (without attaching the Confidential Documents) when Plaintiffs’ counsel asserts that such Confidential Documents are being withheld in bad faith in litigation outside of this Litigation. Nothing in this Paragraph permits Plaintiffs’ counsel to retain Confidential Documents beyond the period designated in Paragraph 2 of this Order, unless a Plaintiff’s motion seeking to compel or use such Confidential Documents is pending or granted by a court outside of this Litigation.

4. Confidential Documents produced by PEM defendants that are either referenced in or attached to briefs or other documents filed with this Court ("Court Papers") shall not be attached to or their contents recited in any publicly filed version of the Court Papers. Instead, in the publicly filed Court Papers, the content of Confidential Documents shall be redacted and any

attached Confidential Documents shall be designated by an exhibit number with a description of the Confidential Document. At the same time, an unredacted copy of the Court Papers with complete copies of any attached Confidential Documents will be marked "confidential" and will be hand delivered to this Court for *in camera* review.

5. Unless otherwise specifically set forth herein, nothing herein shall be construed or applied to affect the rights and obligations of the parties as set forth in Case Management Order No. 5.

6. Nothing herein shall be construed or applied to affect the rights of any party to discovery under the Pennsylvania Rules of Civil Procedure, or to assert any objection, or to prohibit any party from seeking such further provisions or relief as it deems necessary or desirable regarding this Addendum Protective Order, including, but not limited to an order that discovery be granted or not be had.

8/3/11  
DATE

SO ORDERED:

  
THE HONORABLE SANDRA MAZER MOSS