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IN RE

REGLAN[®]/METOCLOPRAMIDE
LITIGATION

This Document Relates to All Cases

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
:
: JANUARY TERM, 2010
: NO. 1997

DOCKETED
COMPLEX LIT CENTER

SEP 15 2011

J. STEWART

CASE MANAGEMENT ORDER NO. 22:
REVISIONS TO CMO NO. 13, NO. 16 AND NO. 17;
SCHEDULING ORDERS FOR TRIAL SELECTED CASES

I. SCOPE OF THIS ORDER

This Case Management Order (“CMO”) shall govern all cases that are presently pending or hereafter filed in the Philadelphia Court of Common Pleas which become part of the program of coordinated pretrial proceedings related to the prescription drug Reglan[®] and/or metoclopramide (the “Reglan[®]/metoclopramide Litigation”).

This Order (a) establishes a briefing schedule for any preliminary objections to Plaintiffs’ Third Amended Master Long Form Complaint, filed on August 1, 2011, and (b) amends the trial ready dates set forth in CMO 7, CMO 16 and CMO 17. Unless noted otherwise, each of the “Trial Picks” and “FIFO Backups” (as those terms are defined in CMO 17) shall remain the same, but shall be subject to the trial schedules set out in this CMO. To the extent this Order is inconsistent with any CMO previously entered in the Reglan[®]/metoclopramide Litigation, the terms of this CMO shall be controlling.

II. BRIEFING SCHEDULE FOR PRELIMINARY OBJECTIONS

A. Upon leave of Court, Plaintiffs’ Liaison Counsel filed the Third Amended Master Long Form Complaint on August 1, 2011 (the “3rd Amended Complaint”).

B. Any preliminary objections to the 3rd Amended Complaint shall be filed on or before **September 8, 2011**.

C. Plaintiffs shall file their response(s) to any such preliminary objections on or

before **October 3, 2011**.

D. Oral argument on all such preliminary objections will be held on October 12, 2011 at 9:30 in Courtroom 653. *Monthly Meetings to Follow.*

III. TRIAL SELECTION PROTOCOL REVISIONS

There are seven (7) cases currently scheduled for trial. The first case, *Hassett v. Dafoe, et al.*, August Term 2008, No. 01551, shall be trial ready 168 days from the date on which the court rules on any preliminary objections to the 3rd Amended Complaint (the "P.O. Decision Date"). Assuming a P.O. Decision Date of October 31, 2011, *Hassett v. Dafoe, et al.* shall be trial ready 168 days from that date (or April 16, 2012). To the extent the Court issues its decision finally resolving preliminary objections on a date other than October 31, 2011, all trial schedules will be subsequently adjusted accordingly. If such an adjustment becomes necessary, the parties will submit an amended Case Management Order with amended trial scheduling order detailed therein. Each of the six remaining cases set for trial will be taken from a trial pool consisting of one (1) Trial Pick and one (1) FIFO Backup.

Subject to the foregoing paragraph and to the specific trial schedules set forth in Section V. below, trials shall be schedule for the following dates:

- April 16, 2012
- April 30, 2012
- May 14, 2012
- May 28, 2012
- June 11, 2012
- June 25, 2012
- July 9, 2012

If a Trial Pick is settled or dismissed less than 30 days before that case is scheduled for trial, that particular trial slot shall remain empty, and the next trial will begin on the date as previously scheduled. The FIFO Backup to the settled/dismissed Trial Pick (if any) shall be scheduled for trial after the trial ready date for Trial Pool #6. If more than one Trial Pick is settled or dismissed less than 30 days before the case is scheduled for trial, each corresponding FIFO Backup shall be scheduled for trial in 14 day intervals beginning with the FIFO Backup for the earliest Trial Pool.

IV. TRIAL PICKS AND FIFO BACKUPS

The following list hereby sets forth the agreed upon Trial Picks and FIFO Backups described in Section III of this Order:

Trial Pool #1 (Tracey Law Firm) – Trial ready 182 days from the P.O. Decision Date (April 30, 2012)

Trial Pick:

Nicholas G. Mellis v. Teva Pharmaceuticals USA, Inc., et al. (No. 100501736)

~~FIFO Backup:~~

~~*April Swindle v. Teva Pharmaceuticals USA, Inc., et al.* (No. 100501908) – Discontinued 9/14/11~~

Trial Pool #2 (Matthews & Associates) – Trial ready 196 days from the P.O. Decision Date (May 14, 2012)

Trial Pick:

Gayle Gallagher v. Wyeth Inc., et al. (No. 091101475)

FIFO Backup:

Bettye Tolleson v. Wyeth Inc., et al. (No. 091000240)

Trial Pool #3 (Matthews & Associates) – Trial ready 210 days from the P.O. Decision Date (May 29, 2012)

Trial Pick:

Elaine Minorczyk v. Wyeth LLC, et al. (No. 100202880)

FIFO Backup:

Emma Gale v. Wyeth Inc., et al. (No. 091000244)

Trial Pool #4 (Williams Kherkher Law Firm, LLP) – Trial ready 224 days from the P.O. Decision Date (June 11, 2012)

Trial Pick:

Nancy Diane Shipp v. Wyeth LLC, et al. (No. 100803148)

FIFO Backup:

Tracey Dupre v. Wyeth, et al. (No. 100203587)

Trial Pool #5 (Laminack, Pirtle, & Martines, LLP) – Trial ready 238 days from the P.O. Decision Date (June 25, 2012)

Trial Pick:

Ramonita Mendez v. Wyeth, et al. (No. 100201672)

FIFO Backup:

Boyleigh D. McCoy v. Wyeth, et al. (No. 100202590)

Trial Pool #6 (Carey, Danis & Lowe) – Trial ready 252 days from the P.O. Decision Date (July 9, 2012)

Trial Pick:

Kathleen G. Engel v. Wyeth LLC, et al. (No. 100602660)

FIFO Backup:

Donna J. Davis v. Wyeth LLC, et al. (No. 100401725)

V. **TRIAL SCHEDULING ORDER**

The following scheduling deadlines are hereby **ORDERED** and **DECREED**:

***Hassett v. Dafoe, et al.*, August Term 2008, No. 01551: Trial ready 168 days from the P.O. Decision Date of October 31, 2011:**

#	Days Post P.O. Decision Date	Tentative Date	Deadline
1	75	1/13/12	Completion of further discovery based upon claims remaining after <i>Mensing</i> ruling
2	89 (14 days after Date #1 – close of discovery)	1/27/12	Plaintiff’s Expert Reports
3	103 (14 days after Date #2 – plaintiff’s designations)	2/10/12	Defendant’s Expert Reports
4	123 (20 days after Date #3 – defendants’ designation)	3/1/12	Non- <i>Frye</i> Dispositive Motions
5	126	3/5/12	<i>Frye</i> Motions
6	143 (20 days after Date #4 – motion date)	3/21/12	Oppositions to Non- <i>Frye</i> Dispositive Motions
7	146 (20 days after Date #5 – motion date)	3/26/12	Oppositions to <i>Frye</i> Motions
8	146	3/26/12	Plaintiff’s Deposition Designations (page and line number)
9	146	3/26/12	Plaintiff’s Witness List and Exhibit List
10			Pre-trial/Settlement Conference
11	150	3/30/12	Motions <i>in Limine</i>
12	153 (7 days after Date #8 – plaintiff’s designations)	4/2/12	Defendant’s Deposition Designations (page and line number)
13	153 (7 days after Date #9 – plaintiff’s lists)	4/2/12	Defendant’s Witness List and Exhibit List
14	157 (7 days after Date #11 – motion date)	4/6/12	Oppositions to Motions <i>in Limine</i>
15			Hearing on <i>Frye</i> Motions
16	157 (4 days after Dates #12 – defendants’ designations/lists)	4/6/12	Counter-Designations and Objections to Depositions, Witness Lists and Exhibits (objections to counter-designations are preserved)
17			Hearing on Motions <i>in Limine</i>
18	162	4/10/12	Proposed Jury Charge Verdict Form
19	162	4/10/12	Jury Selection
20	168	4/16/12	Trial Commences

Trial Pool #1 (Tracey Law Firm): Trial ready 182 days from the P.O. Decision Date of October 31, 2011:

#	Days Post P.O. Decision Date	Tentative Date	Deadline
1	89	1/27/12	Completion of further discovery based upon claims remaining after <i>Mensing</i> ruling
2	103 (14 days after Date #1 – close of discovery)	2/10/12	Plaintiff’s Expert Reports
3	117 (14 days after Date #2 – plaintiff’s designations)	2/24/12	Defendant’s Expert Reports
4	137 (20 days after Date #3 – defendants’ designation)	3/15/12	Non- <i>Frye</i> Dispositive Motions
5	140	3/19/12	<i>Frye</i> Motions
6	157 (20 days after Date #4 – motion date)	4/4/12	Oppositions to Non- <i>Frye</i> Dispositive Motions
7	160 (20 days after Date #5 – motion date)	4/9/12	Oppositions to <i>Frye</i> Motions
8	160	4/9/12	Plaintiff’s Deposition Designations (page and line number)
9	160	4/9/12	Plaintiff’s Witness List and Exhibit List
10			Pre-trial/Settlement Conference
11	164	4/13/12	Motions <i>in Limine</i>
12	167 (7 days after Date #8 – plaintiff’s designations)	4/16/12	Defendant’s Deposition Designations (page and line number)
13	167 (7 days after Date #9 – plaintiff’s lists)	4/16/12	Defendant’s Witness List and Exhibit List
14	171 (7 days after Date #11 – motion date)	4/20/12	Oppositions to Motions <i>in Limine</i>
15			Hearing on <i>Frye</i> Motions
16	171 (4 days after Dates #12 – defendants’ designations/lists)	4/20/12	Counter-Designations and Objections to Depositions, Witness Lists and Exhibits (objections to counter-designations are preserved)
17			Hearing on Motions <i>in Limine</i>
18	176	4/24/12	Proposed Jury Charge Verdict Form
19	176	4/24/12	Jury Selection
20	182	4/30/12	Trial Commences

**Trial Pool #2 (Matthews & Associates): Trial ready 196 days from the P.O. Decision
Date of October 31, 2011:**

#	Days Post P.O. Decision Date	Tentative Date	Deadline
1	103	2/10/12	Completion of further discovery based upon claims remaining after <i>Mensing</i> ruling
2	117 (14 days after Date #1 – close of discovery)	2/24/12	Plaintiff's Expert Reports
3	131 (14 days after Date #2 – plaintiff's designations)	3/9/12	Defendant's Expert Reports
4	151 (20 days after Date #3 – defendants' designation)	3/29/12	Non- <i>Frye</i> Dispositive Motions
5	154	4/2/12	<i>Frye</i> Motions
6	171 (20 days after Date #4 – motion date)	4/18/12	Oppositions to Non- <i>Frye</i> Dispositive Motions
7	174 (20 days after Date #5 – motion date)	4/23/12	Oppositions to <i>Frye</i> Motions
8	174	4/23/12	Plaintiff's Deposition Designations (page and line number)
9	174	4/23/12	Plaintiff's Witness List and Exhibit List
10			Pre-trial/Settlement Conference
11	178	4/27/12	Motions <i>in Limine</i>
12	181 (7 days after Date #8 – plaintiff's designations)	4/30/12	Defendant's Deposition Designations (page and line number)
13	181 (7 days after Date #9 – plaintiff's lists)	4/30/12	Defendant's Witness List and Exhibit List
14	185 (7 days after Date #11 – motion date)	5/4/12	Oppositions to Motions <i>in Limine</i>
15			Hearing on <i>Frye</i> Motions
16	185 (4 days after Dates #12 – defendants' designations/lists)	5/4/12	Counter-Designations and Objections to Depositions, Witness Lists and Exhibits (objections to counter-designations are preserved)
17			Hearing on Motions <i>in Limine</i>
18	190	5/8/12	Proposed Jury Charge Verdict Form
19	190	5/8/12	Jury Selection
20	196	5/14/12	Trial Commences

**Trial Pool #3 (Matthews & Associates): Trial ready 210 days from the P.O. Decision
Date of October 31, 2011:**

#	Days Post P.O. Decision Date	Tentative Date	Deadline
1	117	2/24/12	Completion of further discovery based upon claims remaining after <i>Mensing</i> ruling
2	131 (14 days after Date #1 – close of discovery)	3/9/12	Plaintiff's Expert Reports
3	145 (14 days after Date #2 – plaintiff's designations)	3/23/12	Defendant's Expert Reports
4	165 (20 days after Date #3 – defendants' designation)	4/12/12	Non- <i>Frye</i> Dispositive Motions
5	168	4/16/12	<i>Frye</i> Motions
6	185 (20 days after Date #4 – motion date)	5/2/12	Oppositions to Non- <i>Frye</i> Dispositive Motions
7	188 (20 days after Date #5 – motion date)	5/7/12	Oppositions to <i>Frye</i> Motions
8	188	5/7/12	Plaintiff's Deposition Designations (page and line number)
9	188	5/7/12	Plaintiff's Witness List and Exhibit List
10			Pre-trial/Settlement Conference
11	192	5/11/12	Motions <i>in Limine</i>
12	195 (7 days after Date #8 – plaintiff's designations)	5/14/12	Defendant's Deposition Designations (page and line number)
13	195 (7 days after Date #9 – plaintiff's lists)	5/14/12	Defendant's Witness List and Exhibit List
14	199 (7 days after Date #11 – motion date)	5/18/12	Oppositions to Motions <i>in Limine</i>
15			Hearing on <i>Frye</i> Motions
16	199 (4 days after Dates #12 – defendants' designations/lists)	5/18/12	Counter-Designations and Objections to Depositions, Witness Lists and Exhibits (objections to counter-designations are preserved)
17			Hearing on Motions <i>in Limine</i>
18	204	5/22/12	Proposed Jury Charge Verdict Form
19	204	5/22/12	Jury Selection
20	210	5/28/12	Trial Commences

Trial Pool #4 (Williams Kherkher Law Firm, LLP): Trial ready 224 days from the P.O. Decision Date of October 31, 2011:

#	Days Post P.O. Decision Date	Tentative Date	Deadline
1	131	3/9/12	Completion of further discovery based upon claims remaining after <i>Mensing</i> ruling
2	145 (14 days after Date #1 – close of discovery)	3/23/12	Plaintiff's Expert Reports
3	159 (14 days after Date #2 – plaintiff's designations)	4/6/12	Defendant's Expert Reports
4	179 (20 days after Date #3 – defendants' designation)	4/26/12	Non- <i>Frye</i> Dispositive Motions
5	182	4/30/12	<i>Frye</i> Motions
6	199 (20 days after Date #4 – motion date)	5/16/12	Oppositions to Non- <i>Frye</i> Dispositive Motions
7	202 (20 days after Date #5 – motion date)	5/21/12	Oppositions to <i>Frye</i> Motions
8	202	5/21/12	Plaintiff's Deposition Designations (page and line number)
9	202	5/21/12	Plaintiff's Witness List and Exhibit List
10			Pre-trial/Settlement Conference
11	206	5/25/12	Motions <i>in Limine</i>
12	209 (7 days after Date #8 – plaintiff's designations)	5/28/12	Defendant's Deposition Designations (page and line number)
13	209 (7 days after Date #9 – plaintiff's lists)	5/28/12	Defendant's Witness List and Exhibit List
14	213 (7 days after Date #11 – motion date)	6/1/12	Oppositions to Motions <i>in Limine</i>
15			Hearing on <i>Frye</i> Motions
16	213 (4 days after Dates #12 – defendants' designations/lists)	6/1/12	Counter-Designations and Objections to Depositions, Witness Lists and Exhibits (objections to counter-designations are preserved)
17			Hearing on Motions <i>in Limine</i>
18	218	6/5/12	Proposed Jury Charge Verdict Form
19	218	6/5/12	Jury Selection
20	224	6/11/12	Trial Commences

Trial Pool #5 (Laminack, Pirtle, & Martines, LLP): Trial ready 238 days from the P.O. Decision Date of October 31, 2011:

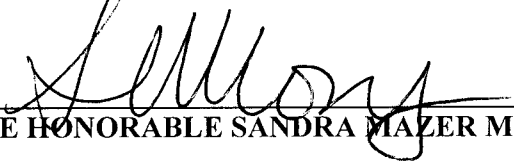
#	Days Post P.O. Decision Date	Tentative Date	Deadline
1	145	3/23/12	Completion of further discovery based upon claims remaining after <i>Mensing</i> ruling
2	159 (14 days after Date #1 – close of discovery)	4/6/12	Plaintiff's Expert Reports
3	173 (14 days after Date #2 – plaintiff's designations)	4/20/12	Defendant's Expert Reports
4	193 (20 days after Date #3 – defendants' designation)	5/10/12	Non- <i>Frye</i> Dispositive Motions
5	196	5/14/12	<i>Frye</i> Motions
6	213 (20 days after Date #4 – motion date)	5/30/12	Oppositions to Non- <i>Frye</i> Dispositive Motions
7	216 (20 days after Date #5 – motion date)	6/4/12	Oppositions to <i>Frye</i> Motions
8	216	6/4/12	Plaintiff's Deposition Designations (page and line number)
9	216	6/4/12	Plaintiff's Witness List and Exhibit List
10			Pre-trial/Settlement Conference
11	220	6/8/12	Motions <i>in Limine</i>
12	223 (7 days after Date #8 – plaintiff's designations)	6/11/12	Defendant's Deposition Designations (page and line number)
13	223 (7 days after Date #9 – plaintiff's lists)	6/11/12	Defendant's Witness List and Exhibit List
14	227 (7 days after Date #11 – motion date)	6/15/12	Oppositions to Motions <i>in Limine</i>
15			Hearing on <i>Frye</i> Motions
16	227 (4 days after Dates #12 – defendants' designations/lists)	6/15/12	Counter-Designations and Objections to Depositions, Witness Lists and Exhibits (objections to counter-designations are preserved)
17			Hearing on Motions <i>in Limine</i>
18	232	6/19/12	Proposed Jury Charge Verdict Form
19	232	6/19/12	Jury Selection
20	238	6/25/12	Trial Commences

**Trial Pool #6 (Carey, Danis & Lowe): Trial ready 252 days from the P.O. Decision
Date of October 31, 2011:**

#	Days Post P.O. Decision Date	Tentative Date	Deadline
1	159	4/6/12	Completion of further discovery based upon claims remaining after <i>Mensing</i> ruling
2	173 (14 days after Date #1 – close of discovery)	4/20/12	Plaintiff's Expert Reports
3	187 (14 days after Date #2 – plaintiff's designations)	5/4/12	Defendant's Expert Reports
4	207 (20 days after Date #3 – defendants' designation)	5/24/12	Non- <i>Frye</i> Dispositive Motions
5	210	5/28/12	<i>Frye</i> Motions
6	227 (20 days after Date #4 – motion date)	6/13/12	Oppositions to Non- <i>Frye</i> Dispositive Motions
7	230 (20 days after Date #5 – motion date)	6/18/12	Oppositions to <i>Frye</i> Motions
8	230	6/18/12	Plaintiff's Deposition Designations (page and line number)
9	230	6/18/12	Plaintiff's Witness List and Exhibit List
10			Pre-trial/Settlement Conference
11	234	6/22/12	Motions <i>in Limine</i>
12	237 (7 days after Date #8 – plaintiff's designations)	6/25/12	Defendant's Deposition Designations (page and line number)
13	237(7 days after Date #9 – plaintiff's lists)	6/25/12	Defendant's Witness List and Exhibit List
14	241 (7 days after Date #11 – motion date)	6/29/12	Oppositions to Motions <i>in Limine</i>
15			Hearing on <i>Frye</i> Motions
16	241 (4 days after Dates #12 – defendants' designations/lists)	6/29/12	Counter-Designations and Objections to Depositions, Witness Lists and Exhibits (objections to counter-designations are preserved)
17			Hearing on Motions <i>in Limine</i>
18	246	7/3/12	Proposed Jury Charge Verdict Form
19	246	7/3/12	Jury Selection
20	252	7/9/12	Trial Commences

SO ORDERED

Date: 9/15/11



THE HONORABLE SANDRA MAZER MOSS