

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION-CIVIL

IN RE:
HORMONE REPLACEMENT THERAPY

:
: NOVEMBER TERM, 2003
: NO. 0001
:

DOCKETED
COMPLEX LIT CENTER

FEB 22 2010

ORDER

J. STEWART

On January 20, 2010, after a two-day *Frye* hearing, this court entered a global order denying Defendant Wyeth's motion to preclude the specific causation testimony of Plaintiffs' experts, Dr. Elizabeth Naftalis and Dr. Robert A. Gilbert. Said order would apply to all cases litigated in the above-captioned Hormone Replacement Therapy program and would bind all parties without the need for further hearing on the issue.

Before the *Frye* hearing and entry of the global order, liaison counsel for the so-called 'Small Defendants'¹, who were not parties to the bell weather cases in which the original *Frye* motion was filed, raised objections to the application of the global order to any cases not yet litigated where the Small Defendants are parties. On behalf of the Small Defendants, liaison counsel argued that the application of an adverse ruling would deprive them of due process and unfairly prejudice the Small Defendants. In response, this court offered liaison counsel the opportunity to participate in the hearing on behalf of all the Small Defendants. Liaison Counsel, however, reiterated the objections and refused to participate in the hearing.

This court finds that the objections raised by the Small Defendants are premature and it is hereby ORDERED that when the cases in which the Small Defendants are party become ripe for trial, the court will issue a rule to show cause why they should not be bound by the global order regarding specific causation. Determination as to application of the order will be made at that time.

In Re: Hormone Therapy-ORDER



03110000100174

BY THE COURT:


HONORABLE SANDRA MAZER MOSS
COORDINATING JUDGE
COMPLEX LITIGATION CENTER

¹ For a complete list of all the 'Small Defendants' see letter dated January 19, 2010, submitted to this court by Therese Keeley, Esquire of Keeley and Callahan, PC, acting as liaison counsel for the Small Defendants.