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COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

IN RE PAXIL

OCTOBER TERM, 2004
NO. 1503

DOCKETED
COMPLEX LIT CENTER
DEC 9 2004

J. STEWART

CASE MANAGEMENT ORDER NO. 1
FOR "PAXIL" PERSONAL INJURY CASES
ALLEGING SYMPTOMS UPON DISCONTINUATION OF PAXIL

It is the goal of this Court to secure the just, speedy and inexpensive determination of each "Paxil" individual personal injury case now pending or hereafter filed in the Court of Common Pleas, Philadelphia County, Pennsylvania and to eliminate duplication of effort, prevent unnecessary paperwork and promote judicial economy.

In order to achieve these objectives, the following Case Management Order No. 1 is entered this 8TH day of December, 2004 for all individual personal injury "Paxil" cases which are presently pending or hereafter filed in the Philadelphia County Court of Common Pleas. The coordinated procedures set forth in this Order are without prejudice to any party's right to contest further coordination or consolidation of these actions.

I. MASTER "PAXIL" DOCKET

The Court has established a Master "Paxil" Docket at October Term, 2004, No. 1503. This docket number has been established as a depository for the filing of pleadings, motions, orders and other documents common to individual "Paxil" personal injury cases in which plaintiffs allege that they experienced certain symptoms upon discontinuing Paxil. Once a pleading, motion, order or other document is filed in this docket and copies are produced to all other interested counsel involved in the "Paxil" litigation, the pleading, motion and order or other

document may be incorporated by reference either orally before the Court or within another properly filed pleading, motion, order or other document.

II. PLEADINGS

A. MASTER LONG FORM COMPLAINT

1. On _____, pursuant to direction from the Court, plaintiffs filed a Master Long Form Complaint ("Master Complaint"). The Master Complaint must be properly served on each defendant, in accordance with the Pennsylvania Rules of Civil Procedure, before a response is required. The filing of the Master Complaint does not toll any applicable statute of limitations or repose as to any individual plaintiff.

2. On or before thirty (30) days after valid service of the Master Complaint Defendant SmithKline Beecham Corporation d/b/a GlaxoSmithKline ("GSK") shall file either (a) an Answer or (b) Master Set of Preliminary Objections to the Master Complaint. Foreign defendants, if any, may Answer or otherwise plead to the Master Complaint within thirty (30) days of valid service of the Master Complaint on them.

3. All motions filed in the "Paxil" litigation shall be in letter format pursuant to mass tort motion procedure.

4. Plaintiffs shall respond to any preliminary objections within thirty (30) days of service of those preliminary objections.

5. The Court will rule on the preliminary objections and whether a hearing thereon will be held is subject to the sole discretion of the Court. The Court's ruling on the preliminary objections will be binding for all current and future personal injury individual "Paxil" cases filed in Philadelphia County.

6. If preliminary objections are sustained to one or more counts in the Master Complaint, plaintiffs, if so ordered, shall file a conforming Amended Master Complaint within thirty (30) days of the Order sustaining the preliminary objections.

7. If preliminary objections are sustained to one or more counts in the Master Complaint, those counts are deemed stricken from the Short Form Complaint.

8. Any plaintiff who wishes to file a claim against a defendant not named in the Master Complaint must simultaneously serve a copy of this Order and the Long Form Complaint on any such defendant. Failure to do so will relieve a defendant not named in the Master Complaint of the obligation to answer or preliminarily object to the Master Complaint.

9. Subject to Paragraph No. 7 above, subsequently added defendants shall have the right to file an Answer or Preliminary Objections to the Master Complaint within thirty (30) days of actual valid service of a Writ of Summons or Short Form Complaint of an individual Paxil case pending in the Philadelphia County Court of Common Pleas. Plaintiffs shall then have thirty (30) days to respond to the subsequently added defendants' preliminary objections.

10. In the event that an Amended Master Complaint is filed, defendants shall have thirty (30) days from the filing of the Amended Master Complaint to file a responsive pleading; or, if no Amended Master Complaint need be filed, defendants shall have thirty (30) days from the Order denying preliminary objections to file a Master Answer.

11. If New Matter is pleaded, such New Matter will be deemed denied and plaintiffs are not required to file any further responsive pleadings to defendants New Matter.

B. <u>PREVIOUSLY FILED CASES</u>

1. The Master Complaint filed on _____, will substitute and supersede all complaints filed in individual "Paxil" cases pending in the Philadelphia County

Court of Common Pleas in which plaintiffs allege that they experienced certain symptoms upon discontinuing Paxil ("previously filed cases").

2. Within thirty (30) days of the entry of this Order, plaintiffs shall file a Short Form Complaint substantially in the form attached as Exhibit A for previously filed cases in Philadelphia County using the original court term and number for such filed cases.

3. If additional counts are alleged in the Short Form Complaint, the specific facts supporting those allegations must be pleaded by the plaintiffs in a manner complying with the requirements of the Pennsylvania Rules of Civil Procedure, and the defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to the Short Form Complaint.

4. Defendants shall have thirty (30) days from the date of service of the Short Form Complaint to file preliminary objections to the Short Form Complaint or thirty (30) days from the date of the Court's ruling on the Master Preliminary Objections, whichever is later, to file Preliminary Objections to the Short Form Complaint.

5. If no responsive pleading is filed, allegations in the Short Form Complaint will be deemed denied and defendants are not required to file answers to the Short Form Complaint. An entry of appearance shall constitute a denial of all allegations in the Short Form Complaint and an assertion of all affirmative defenses.

6. Defendants will not file preliminary objections challenging claims as to which preliminary objections have previously been denied.

7. Plaintiffs shall then have thirty (30) days from the date of service to file a response to the preliminary objections.

8. The Court will rule on the preliminary objections and whether a hearing thereon is scheduled is solely in the discretion of the Court.

9. If the Court's ruling on preliminary objections to the Short Form Complaint does not provide for the filing of an Amended Short Form Complaint, the remaining allegations of the Short Form Complaint shall be deemed denied and defendants are not required to file answers to the Short Form Complaint. An entry of appearance shall constitute a denial of all allegations in the Short Form Complaint and an assertion of all affirmative defenses.

10. If any of the Court's rulings permit the plaintiffs to file an Amended Short Form Complaint, defendants shall be afforded thirty (30) days after service of an Amended Short Form Complaint in which to file a responsive pleading to the Amended Short Form Complaint.

11. If no responsive pleading is filed, allegations in the Amended Short Form Complaint will be deemed denied and defendants are not required to file answers to the Amended Short Form Complaint. An entry of appearance shall constitute a denial of all allegations in the Amended Short Form Complaint and an assertion of all affirmative defenses.

C. **NEWLY FILED CASES**

1. All cases in which plaintiffs allege that they experienced certain symptoms upon discontinuing Paxil filed after the date of this Order shall be instituted by the filing of a Writ of Summons or a Short Form Complaint. If suit is instituted by a Writ of Summons, any named defendant may file a rule to plead and, if such is filed, such rule shall apply to the benefit of all named defendants.

2. Plaintiffs shall indicate in the Short Form Complaint those counts of the Master Complaint that they are incorporating by reference.

3. If additional counts are alleged in the Short Form Complaint, the specific facts supporting these allegations must be pleaded by the plaintiffs in a manner complying with the requirements of the Pennsylvania Rules of Civil Procedure, and defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to the Short Form Complaint.

4. Defendants shall have thirty (30) days from the date of service of the Short Form Complaint or thirty (30) days from the date of the Court's ruling on the preliminary objections to the Master Complaint, whichever is later, to file preliminary objections to the Short Form Complaint.

5. If no responsive pleading is filed, allegations in the Short Form Complaint will be deemed denied and defendants are not required to file answers to the Short Form Complaint. An entry of appearance shall constitute a denial of all allegations in the Short Form Complaint and an assertion of all affirmative defenses.

6. Defendants will not file preliminary objections challenging claims as to which preliminary objections to the Master Complaint have previously been denied.

7. Plaintiffs shall then have thirty (30) days to file a response to the preliminary objections.

8. The Court will rule on the preliminary objections and whether a hearing thereon is scheduled is solely in the discretion of the Court.

9. If the Court's ruling on preliminary objections to the Short Form Complaint does not provide for the filing of an Amended Short Form Complaint, the remaining allegations of the Short Form Complaint shall be deemed denied and defendants are not required

to file answers to the Short Form Complaint. An entry of appearance shall constitute a denial of all allegations in the Short Form Complaint and an assertion of all affirmative defenses.

10. If any of the Court's rulings permit the plaintiffs to file an Amended Short Form Complaint, defendants shall be afforded thirty (30) days after service of an Amended Short Form Complaint in which to file a responsive pleading to the Amended Short Form Complaint.

11. If no responsive pleading is filed, allegations in the Amended Short Form Complaint will be deemed denied and defendants are not required to file answers to the Amended Short Form Complaint. An entry of appearance shall constitute a denial of all allegations in the Amended Short Form Complaint and an assertion of all affirmative defenses.

D. <u>CROSS-CLAIMS</u>

1. Defendants reserve the right to file cross-claims in cases subject to this Case Management Order until further Order of Court.

BY THE COURT:

Ackerman, J.

Date: 12/8/04

[Insert Plaintiff's Attorneys]
Attorneys for Plaintiff

[Add Plaintiff's Name]	:	
	:	
	:	
	:	_____ TERM, _____
Plaintiff,	:	
	:	NO._____
vs.	:	
	:	
SMITHKLINE BEECHAM CORPORATION D/B/A GLAXOSMITHKLINE,	:	"PAXIL" CASE
	:	
Defendant.	:	JURY TRIAL DEMANDED
	:	

NOTICE TO PLEAD

NOTICE. You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. PHILADELPHIA COUNTY BAR ASSOCIATION LAWYER REFERRAL AND INFORMATION SERVICE, 1101 MARKET STREET, 11TH FLOOR, PHILADELPHIA, PENNSYLVANIA 19107;
TELEPHONE: (215) 238-1701

AVISO. Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de lan demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defeneces o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiendandes u otros derechos importantes para usted. LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. ASOCIACIÓN DE LICENCIADOR DE PHILADELPHIA VICIO DE REFERENCIA DE INFORMACIÓN LEGAL, 1101 MARKET STREET, 11TH FLOOR, PHILADELPHIA, PENNSYLVANIA 19107; TELÉFONO: (215) 238-1701

[Insert Plaintiff's Attorneys]
Attorneys for Plaintiff

[Add Plaintiff's Name]	:	
	:	
	:	
	:	_____ TERM, _____
Plaintiff,	:	
	:	NO._____
vs.	:	
	:	
SMITHKLINE BEECHAM CORPORATION D/B/A GLAXOSMITHKLINE,	:	"PAXIL" CASE
	:	
Defendant.	:	JURY TRIAL DEMANDED
	:	

SHERIFF'S SERVICE LIST

SMITHKLINE BEECHAM CORPORATION
D/B/A GLAXOSMITHKLINE
One Franklin Plaza
200 N. 16th Street
Philadelphia, PA 19102

[Insert Plaintiff's Attorneys]
Attorneys for Plaintiff

[Add Plaintiff's Name]	:	
	:	_____ TERM, _____
Plaintiff,	:	
	:	NO._____
vs.	:	
SMITHKLINE BEECHAM CORPORATION D/B/A GLAXOSMITHKLINE,	:	"PAXIL" CASE
Defendant.	:	JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT - SHORT FORM

Plaintiff incorporates by reference Plaintiffs' Master Long Form Complaint in In Re: Paxil, October Term, 2004, No. 1503. Pursuant to an Order by the Honorable Norman Ackerman, Philadelphia County Court of Common Pleas, the following Short Form Complaint is utilized in this Paxil action.

Plaintiff selects and indicates by checking off the appropriate spaces, those products, parties and claims that are specific to her or his case. Where certain claims require, pursuant to Pennsylvania law, specific pleading or case specific facts and individual information, plaintiff shall add and include them herein.

1. Plaintiff, _____, is an individual who resides at _____, (City and County) in the state of _____ (hereinafter referred to as the "plaintiff").

Plaintiff's date of birth is _____.

1a. Plaintiff, _____, is the Administrator/Executor of the Estate of _____, deceased, having been granted Letters of

Administration/Testamentary by the Register of Wills of _____ County, _____ (state). Decedent's date of birth is _____ and date of death is _____. During decedent's life, plaintiff and decedent were _____ (relationship). At the time of death, decedent lived in _____ (County) _____ (State).

1b. Plaintiff/decedent (circle one) is/was ___ married to_____, ___ not married.

2. Plaintiff/decedent (circle one) ingested Paxil from_____ until _____. Plaintiff experienced discontinuation symptoms beginning on _____.

3. Plaintiff/decedent (circle one) was prescribed and/or otherwise obtained Paxil from _____ for _____.

4. Plaintiff/decedent (circle one) was diagnosed as having _____ on or about _____ by _____.

5. Plaintiff-parent, _____, (hereinafter referred to as the "Parent[s]"), is an individual residing at the above address and claims damages as a result of:

_____ Economic Loss

6. The following claims asserted in the Master Complaint, and the allegations with regard thereto in the Master Complaint, are herein adopted by reference:

_____	Count One:	Fraud
_____	Count Two:	Violation of the Pennsylvania Unfair Trade Practices and Consumer Protection Law
_____	Count Three:	Negligence
_____	Count Four:	Negligent Misrepresentation

_____ Count Five: Breach of Express Warranty

7. Plaintiff's dependents, relationship and date of birth, are:

_____

_____

_____

_____

_____

_____

8. Plaintiff asserts the following additional theories of recovery against this defendant[1]:

_____

_____

_____

_____

_____

WHEREFORE, Plaintiff prays for relief as set forth in the Plaintiffs' Master Long Form Complaint in In Re: Paxil, October Term, 2004, No. 1503.

[INSERT PLAINTIFF'S ATTORNEY'S LAW FIRM]

By:_____
Attorney for Plaintiff

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[1] If additional counts are alleged, the specific facts supporting these allegations must be pleaded by the plaintiff in a manner complying with the requirements of the Pennsylvania Rules of Civil Procedure on a separate sheet of paper attached to the Short Form Complaint.

VERIFICATION

I, _____ , hereby state:

1. I am the plaintiff in this action;

2. I verify that the statements made in the foregoing Short Form Complaint are true and correct to the best of my knowledge, information and belief; and

3. I understand that the statements in the Complaint are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

_____
Name,
Plaintiff

_____
Date