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

IN RE: PAXIL PREGNANCY CASES	:	FEBRUARY TERM, 2007 NO. 3220 PAXIL –PREGNANCY

CASE MANAGEMENT ORDER NO. 7

AND NOW, this 27th day of April, 2010, the following Orders (attached hereto) entered by the Honorable Sandra Mazer Moss, Coordinating Judge of the Complex Litigation Center, are hereby adopted as global rulings to apply to all cases to be litigated against GlaxoSmithKline LLC, formerly SmithKline Beecham Corporation d/b/a GlaxoSmithKline ("GSK") in the Paxil Pregnancy Mass Tort Program in the First Judicial District of Pennsylvania:

- GSK's Frye Motion, in *Kilker v. GSK*, February Term 2007, No. 1813, to Exclude Marvin Goldberg, Ph.D., Control No. 09082265 – Denied without prejudice to raising the issue in a motion *in limine*
- GSK's Frye Motion, in *Kilker v. GSK*, February Term 2007, No. 1813, to Exclude Suzanne Parisian, M.D., Control No. 09082264 – Denied without prejudice to raising the issue in a motion *in limine*
- GSK's Frye Motion, in *Kilker v. GSK*, February Term 2007, No. 1813, to Exclude Ra-id Adbullah, M.D., Shira Kramer, Ph.D., Anick Bérard, Ph.D. Enid Gilbert-Barness, M.D., Jean M. Lauder, Ph.D. and David Healy, M.D., Control No. 09082374 – Denied without prejudice to raising the issue in a motion *in limine*

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- GSK's Frye Motion, in *Beres v. GSK*, December Term 2006, No. 2991, to Exclude Dr. David Goldsmith and Joseph Siebert, Control No. 09101101– Denied without prejudice to raising the issue in a motion *in limine*

- Plaintiffs' Frye Motion, in *Beres v. GSK*, December Term 2006, No. 2991, to Exclude Dr. John Belmont, Dr. Edward Lammer and Dr. Anthony Scialli, Control No. 09101098 – Denied as to Dr. Belmont and Dr. Lammer. Denied as to Dr. Scialli without prejudice to raising the issue in a motion *in limine*

- GSK's Frye Motion, in *Kruse v. GSK*, October Term 2006, No. 1335, to Exclude Laird Jackson, M.D. Shira Kramer, Ph.D., Robert Schwartz, Ph.D. and David Healy, M.D., Control No. 09101161–Denied without prejudice to raising the issue in a motion *in limine*

In order to prevent unnecessary and duplicative filing, it is further ORDERED as follows:

1. The parties' Frye motions with regard to the above experts are deemed filed in all cases filed in the above-captioned program;

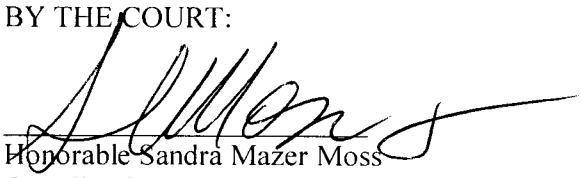
2. The parties' opposition to said motions are likewise deemed filed in all cases;

3. The replies filed in response to those oppositions are also deemed filed in all cases.

In the event that a Paxil Pregnancy case is appealed and either party intends to place at issue the Court's rulings on any of the pre-trial motions subject to this Case Management Order, the Court will, at the request of either party made pursuant to Pa.R.A.P. 1926, direct that the record be modified to include full and complete copies of the documents incorporated by reference in the motion papers on which the ruling in question were based. Any and all arguments that have been incorporated by reference will be deemed properly preserved and subject to appellate review as if the arguments had been separately briefed and ruled on in the matter in which the arguments are incorporated.

It is further ORDERED that the above global rulings will not be binding on any defendants other than GSK ("other defendants") prior to the court affording other defendants the opportunity to file motions and briefs concerning different or additional arguments available to such other defendants, regardless of whether such issues were already litigated by GSK. The court will then rule upon these filings and issue appropriate orders that will notify the other defendants whether they are entitled to raise such additional or different argument in specific cases.

BY THE COURT:



Honorable Sandra Mazer Moss
Coordinating Judge
Complex Litigation Center

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

LYAM KILKER, a Minor, by MICHELLE M. DAVID, As Guardian and Individually	)	PHILADELPHIA COUNTY COURT OF COMMON PLEAS
Plaintiffs,	)	
VS.	)	FEBRUARY TERM, 2007 NO. 1813
SMITHKLINE BEECHAM CORPORATION, d/b/a GLAXOSMITHKLINE	)	"PAXIL PREGNANCY" CASE
Defendant	)	

ORDER

AND NOW, this 2nd day of Sept, 2009, it is hereby ORDERED, ADJUDGED, and DECREED that Defendants' Motion pursuant to *Frye v. United States* and PA. R. Civ. P. 207.1 or, in the alternative, Motion *in Limine* to exclude the proffered opinion testimony of Plaintiffs' expert Dr. Marvin Goldberg is DENIED, on Frye grounds only without prejudice to be raised as a motion in limine before the trial judge.

BY THE COURT:

MOSS, J.

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COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

LYAM KILKER, a Minor, by MICHELLE M. DAVID, As Guardian and Individually Plaintiffs, VS. SMITHKLINE BEECHAM CORPORATION, d/b/a GLAXOSMITHKLINE Defendant	)	PHILADELPHIA COUNTY COURT OF COMMON PLEAS FEBRUARY TERM, 2007 NO. 1813 "PAXIL PREGNANCY" CASE

ORDER

AND NOW, this 2nd day of September 2009, it is hereby ORDERED, ADJUDGED, and DECREED that Defendants' Motion pursuant to *Frye v. United States* and PA. R. Civ. P. 207.1 or, in the alternative, Motion *in Limine* to exclude the proffered opinion testimony of Plaintiffs' expert Dr. Suzanne Parisian is **DENIED**, on Frye Grounds only without prejudice to be raised before the trial judge as a motion in Limine.

BY THE COURT:

MOSS, J.

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COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

LYAM KILKER, a Minor, by MICHELLE M. DAVID, As Guardian and Individually Plaintiffs, VS. SMITHKLINE BEECHAM CORPORATION, d/b/a GLAXOSMITHKLINE Defendant	)	PHILADELPHIA COUNTY COURT OF COMMON PLEAS FEBRUARY TERM, 2007 NO. 1813 "PAXIL PREGNANCY" CASE

ORDER

AND NOW, this 2nd day of September 2009, it is hereby ORDERED, ADJUDGED, and DECREED that Defendant GSK's Motion *in Limine* to Exclude the Proffered Opinion Testimony of Plaintiffs' Experts on General and Specific Causation is **DENIED**, on Frye grounds only without prejudice to be raised on substantive grounds before the trial judge.

BY THE COURT:

MOSS, J.

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F. CLARK
DAY FORWARD

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

JAMIE BERES, individually and as guardian for JESSICA BERES, a minor	)	PHILADELPHIA COUNTY COURT OF COMMON PLEAS
Plaintiffs,	)	
VS.	)	DECEMBER TERM, 2006 NO. 2991
SMITHKLINE BEECHAM CORPORATION, d/b/a GLAXOSMITHKLINE	)	'PAXIL PREGNANCY' CASE
Defendant	)	JURY TRIAL DEMANDED

ORDER

AND NOW, this 29th day of October, 2009, it is hereby ORDERED, ADJUDGED, and DECREED that Defendants' Motion pursuant to *Frye v. United States* and PA. R. Civ. P. 207.1 or in the alternative, Motion *in Limine* to exclude the proffered opinion testimony of Plaintiffs' experts Dr. David Goldsmith and Joseph Siebert is DENIED, on the Frye issue only as the court has concluded the science is not novel under the Frye standard. This is without prejudice to the Defendants to raise substantive issues before the trial judge as motions in limine.

BY THE COURT:

MOSS, J.

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OCT 29 2009

FIRST JUDICIAL DISTRICT OF PA
USER I.D.:

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L. RYANT-DAVIS

JAMIE BERES, Individually and as Guardian for JESSICA BERES, a Minor,	COURT OF COMMON PLEAS PHILADELPHIA COUNTY TRIAL DIVISION
vs.	Docket No.: 002991 December Term, 2006
SMITHKLINE BEECHAM CORPORATION d/b/a GLAXOSMITHKLINE	IN RE PAXIL PREGNANCY CASES JURY TRIAL DEMANDED

ORDER

AND NOW, this 29th day of October, 2009, upon consideration of plaintiffs' motion to exclude the proffered opinion testimony of GSK's experts, Drs. John Belmont, Edward Lammer, and Anthony Scialli; GSK's Opposition to plaintiffs' motion; and all further submissions and arguments relating to the motion; it is hereby ORDERED that plaintiff's motion is denied ~~in its entirety~~ as to Dr. Belmont and Dr. Lammer. as to Dr. Scialli the court defers decision to the trial judge as this issue goes to qualifications rather than novel science/methodology.

BY THE COURT:

J.

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FIRST JUDICIAL DISTRICT OF PA
USER I.D.:

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NATALIE KRUSE, a Minor, by BYRON KRUSE, Guardian; BYRON KRUSE and LESLIE KRUSE,	:	COURT OF COMMON PLEAS PHILADELPHIA COUNTY
	:	OCTOBER TERM, 2006
Plaintiff,	:	NO. 001335
v.	:	
SMITHKLINE BEECHAM CORPORATION, d/b/a GLAXOSMITHKLINE	:	
Defendant.	:	

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ORDER

AND NOW, this 12TH day of NOV 2009, upon consideration of Defendant's Motion and Plaintiffs' Response thereto, it is hereby ORDERED, ADJUDGED, and DECREED that Defendants' Motion pursuant to *Frye v. United States* and PA. R. Civ. P. 207.1 or, in the alternative, Motion *in Limine* to exclude the proffered opinion testimony of Plaintiffs' experts Laird Jackson, M.D., Shira Kramer, Ph.D., Robert Schwartz, Ph.D., and David Healy, M.D. is **DENIED**. on Frye grounds only without prejudice to be raised before the trial judge as direct challenges when the witnesses are presented.

BY THE COURT:

MOSS, J.

Control # 09101141

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