COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

IN RE: PAXIL PREGNANCY CASES	DOCKETED COMPLEX LIT CENTER MAY 11 2009 J. STEWART	FEBRUARY TERM 2007 NO. 3220

CASE MANAGEMENT ORDER NO. 5
(Identification of Cases/Scheduling of First Trial Groups)

As part of this Court's continuing effort to secure the just, speedy, and inexpensive determination of the Paxil Pregnancy Cases, and to eliminate duplication of effort, prevent unnecessary paperwork, and promote judicial economy, the Court hereby enters this Fifth Case Management Order regarding Scheduling of First Trial Groups.

1. The parties agree that the twenty-four (24) cases selected by the parties as priority trial cases will be divided into five (5) groups for purposes of fact discovery, expert discovery, dispositive motions, and Frye motion deadlines. The Court has assigned two (2) trial settings for each month, beginning in September 2009 and continuing through January 2010. For the September and October 2009 trial settings, four (4) cases per month shall be ready for trial. For the November and December 2009 trial settings, six (6) cases per month shall be ready for trial. The parties acknowledge and agree that the discovery deadlines set forth below may be modified by agreement of the parties. With such understanding regarding modifications, the deadlines (discovery- and trial-related) for each Group are as follows:

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PURSUANT TO Pa.R.C.P. 236(b)
MAY 12 2009
FIRST JUDICIAL DISTRICT OF PA
USER I.D.: 2

SEPTEMBER 2009 TRIAL GROUP

1. **Kilker, Case No. 07-02-001813**
2. **Aldrich, Case No. 07-07-000280**
3. **Mendoza, Case No. 07-05-001688**
4. **Mauldin, Case No. 07-02-001815**

• Fact Discovery:	May 1, 2009
• Plaintiffs' Expert Reports:	June 1, 2009
• Dispositive Motions (other than Frye):	July 1, 2009
• Defendant's Expert Reports:	August 1, 2009
• Frye Motions:	August 10, 2009
• Pretrial Conference(s):	Week of August 10, 2009
• Frye Hearing(s):	Week of August 31, 2009
Trial Setting #1	
• Jury Selection:	September 11, 2009
• Trial:	September 14, 2009
Trial Setting #2	
• Jury Selection:	September 25, 2009
• Trial:	September 28, 2009

OCTOBER 2009 TRIAL GROUP

5. **Sinquefield, Case No. 07-04-04395**
6. **Paulos, Case No. 07-05-001583**
7. **Fromm, Case No. 06-12-00055**
8. **Creason, Case No. 07-02-001888**

• Fact Discovery:	June 1, 2009
• Plaintiffs' Expert Reports:	July 1, 2009
• Dispositive Motions (other than Frye):	August 1, 2009
• Defendant's Expert Reports:	September 1, 2009
• Frye Motions:	September 8, 2009
• Pretrial Conference(s):	Week of September 7, 2009
• Frye Hearing(s):	Week of September 28, 2009

Trial Setting #1

- Jury Selection: October 9, 2009
- Trial: October 13, 2009

Trial Setting #2

- Jury Selection: October 23, 2009
- Trial: October 26, 2009

NOVEMBER 2009 TRIAL GROUP

9. **Higley, Case No. 07-09-001112**
10. **Beres, Case No. 06-12-002991**
11. **K. Heim, Case No. 07-02-001885**
12. **A. Jones, Case No. 07-01-001804**
13. **Kruse, Case No. 06-10-001335**
14. **Ahart, Case No. 07-02-001814**

- Fact Discovery: July 1, 2009
- Plaintiffs' Expert Reports: August 1, 2009
- Dispositive Motions (other than Frye): September 1, 2009
- Defendant's Expert Reports: October 1, 2009
- Frye Motions: October 8, 2009
- Pretrial Conference(s): Week of October 5, 2009
- Frye Hearing(s): Week of October 26, 2009

Trial Setting #1

- Jury Selection: November 6, 2009
- Trial: November 9, 2009

Trial Setting #2

- Jury Selection: November 20, 2009
- Trial: November 23, 2009

DECEMBER 2009 TRIAL GROUP

15. Alvarez, Case No. 07-02-000793

16. Gibson, Case No. 07-02-001881

17. Corbett, Case No. 06-11-01735

18. Ebenal, Case No. 07-04-004401

19. Walker, Case No. 07-04-000784

20. Handley, Case No. 07-04-004405

• Fact Discovery:	August 1, 2009
• Plaintiffs' Expert Reports:	September 1, 2009
• Dispositive Motions (other than Frye):	October 1, 2009
• Defendant's Expert Reports:	November 1, 2009
• Frye Motions:	November 9, 2009
• Pretrial Conference(s):	Week of November 9, 2009
• Frye Hearing(s):	Week of November 23, 2009
Trial Setting #1	
• Jury Selection:	December 4, 2009
• Trial:	December 7, 2009
Trial Setting #2	
• Jury Selection:	December 18, 2009
• Trial:	December 21, 2009

JANUARY 2010 TRIAL GROUP

21. Vasquesz, Case No. 06-07-03453

22. Bright, Case No. 07-06-02521

23. Calaway, Case No. 07-09-01118

24. Gadaletta, Case No. 07-09-03026

• Fact Discovery:	September 1, 2009
• Plaintiffs' Expert Reports:	October 1, 2009
• Dispositive Motions (other than Frye):	November 1, 2009
• Defendant's Expert Reports:	December 1, 2009
• Frye Motions:	December 8, 2009
• Pretrial Conference(s):	Week of December 7, 2009
• Frye Hearing(s):	Week of December 28, 2009

Trial Setting #1

- Jury Selection: January 8, 2010
- Trial: January 11, 2010

Trial Setting #2

- Jury Selection: January 22, 2010
- Trial: January 25, 2010

2. If a case selected by Plaintiffs for trial is settled, dismissed, or otherwise cannot be tried as scheduled, then the next available Plaintiffs' selection shall replace it. Similarly, if a case selected by Defendants is settled, dismissed, or otherwise cannot be tried as scheduled, then the next available Defendants' selection shall replace it. If there are either no more Plaintiffs' selections or no more Defendants' selections ready to be tried as scheduled in a given month, the next available trial-ready case shall be called to trial, regardless of which side selected it.

A case can only be called to trial if all deadlines have passed, thereby making the case trial ready. For example, a case listed above for an October or November trial date cannot move into a September trial setting, etc.

3. The parties will meet and confer regarding a proposed schedule for the filing of motions in limine, and responses and replies to all motions, witness & exhibit lists/objections, deposition designations/counter-designations/objections, proposed jury instructions, verdict form & voir dire questions for each Group identified above.

BY THE COURT:

Date: 5/11/09