

JUN 8 - 2009

L. RYANT-DAVIS

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

IN RE: PAXIL PREGNANCY CASES

FEBRUARY TERM 2007
NO. 3220

CASE MANAGEMENT ORDER NO. 5b

(Identification of Cases/Scheduling of First Trial Groups and Back-Up Cases)

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 Case Management Order 5b regarding Scheduling of First Trial Groups and Back-up Cases.

1. The parties agree that the seventeen (17) remaining cases on CMO 5 selected by the parties as priority trial cases and the five (5) remaining back-up cases will be divided into five (5) groups for purposes of fact discovery, expert discovery, dispositive motions, and Frye motion deadlines. Beginning in September 2009 and continuing through January 2010, the below listed cases shall be ready for trial at the beginning of each designated month. 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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JUN 30 2009

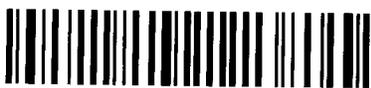
SEPTEMBER 2009 TRIAL GROUP

1. Kilker, Case No. 07-02-001813

FIRST JUDICIAL DISTRICT OF PA
USER I.D.: _____

- Fact Discovery:

May 1, 2009



- Plaintiffs' Expert Reports: June 1, 2009
- Dispositive Motions (other than Frye): July 1, 2009
- Defendant's Expert Reports: August 10, 2009
- Frye Motions: August 17, 2009
- Pretrial/^{SETTLEMENT}Conference(s): ~~Week of August 10, 2009, 9:30 A.M.~~
- Frye Hearing(s): ~~Week of August 31, 2009, 9:30 A.M.~~

Trial Setting #1

- Jury Selection: September 11, 2009
- Trial: September 14, 2009

OCTOBER 2009 TRIAL GROUP

2. **Paulos, Case No. 07-05-001583**
3. **Mendoza, Case No. 07-05-01688**
4. **Sinquefield, Case No. 07-04-04395**

- 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/^{SETTLEMENT}Conference(s): ~~Week of September 8, 2009, 9:30 AM + 1:30~~
- Frye Hearing(s): ~~Week of September 28, 2009, 9:30 A.M.~~

Trial Setting #1

- Jury Selection: October 9, 2009
- Trial: October 12, 2009

Trial Setting #2

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

NOVEMBER 2009 TRIAL GROUP

5. Higley, Case No. 07-09-01112
6. Beres, Case No. 06-12-02991
7. A. Jones, Case No. 07-01-01804
8. Fromm, Case No. 06-12-00055
9. K. Heim, Case No. 07-02-01885
10. Kruse, Case No. 06-10-01335

- 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/^{Settlement}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

11. Gibson, Case No. 07-02-01881
12. Alvarez, Case No. 07-02-00793
13. Corbett, Case No. 06-11-01735
14. Walker, Case No. 07-04-00784

- 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 ^{Session} Conference(s): Week of Nov. 9, 2009
- Frye Hearing(s): Week of Nov. 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

15. **Blyth, Case No. 07-09-03305**
16. **Vasquez, Case No. 06-07-03453**
17. **Calaway, Case No. 07-09-01118**
18. **Saunier, Case No. 07-12-01424**
19. **Novak, Case No. 07-05-01686**
20. **Marlow, Case No. 07-08-02657**
21. **Wiggins, Case No. 07-09-03274**
22. **Mauldin, Case No. 07-02-01815**

- 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~~ ^{Statements} 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*, 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.

(due to a continuance granted because of death illness

4. To the extent that any case is not reached within its assigned trial month

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the Court will use its discretion to move the case to the next trial setting that will not disrupt the Court's docket.

BY THE COURT:

Date: 6/30/09

