

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

DOCKETED  
COMPLEX LIT CENTER

JUL 29 2010

J. STEWART

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

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**CASE MANAGEMENT ORDER NO. 8**

AND NOW, this 28<sup>TH</sup> day of July, 2010, the following Orders (attached as appropriate hereto) entered by the Honorable Sandra Mazer Moss, Coordinating Judge of the Complex Litigation Center, and the Honorable Stephen E. Levin, Senior Judge in the Court of Common Pleas of Philadelphia County (except as modified herein), 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:

- Plaintiffs’ Motion *in Limine*, in *Kilker v. GSK*, February Term 2007, No. 1813, to Exclude any Evidence, Argument and/or Reference Regarding Sexual Conduct and Birth Control of Michelle David, Control No. 09082058 — Granted as to sexual conduct, without prejudice to GSK seeking the raise the issue in specific instances.
- Plaintiffs’ Motion *in Limine*, in *Kilker v. GSK*, February Term 2007, No. 1813, to Exclude any Evidence, Argument and/or Reference Regarding Abortion, Control No. 09082059 — Granted, without prejudice to GSK seeking to raise the issue if there is a specific medical reason for doing so.
- Plaintiffs’ Motion *in Limine*, in *Kilker v. GSK*, February Term 2007, No. 1813, to Exclude any Evidence, Argument and/or Reference Regarding Adverse Impact of a Plaintiffs’ Verdict, (Control No. 09082061) — Granted.

In Re: Paxil Pregancy Cases-ORDER



07020322000150

- GSK's Motion *in Limine*, in *Kilker v. GSK*, February Term 2007, No. 1813, to Exclude Certain Irrelevant, Hearsay and Overly Prejudicial Evidence, Control No. 09082135 — Granted as to Subpart 8, Motion to Preclude Evidence or Reference to September 11, 2001.
- GSK's Motion *in Limine*, in *Kilker v. GSK*, February Term 2007, No. 1813, to exclude Evidence of or reference to Foreign Investigations or Regulatory Actions, Including Labeling, Related to Paxil, Control No. 09082142 — Granted, any evidence or reference to investigations, regulatory actions, labeling or “warnings” related to Paxil used outside the U.S. is hereby excluded.
- GSK's Motion *in Limine*, in *Kilker v. GSK*, February Term 2007, No. 1813, to Preclude Plaintiffs' Experts from Characterizing the Motives or Intentions Behind GSK's Documents or Conduct, Control No. 09082141 — Granted, with limitation that, although experts cannot speak directly to the motives or intentions behind actions, the experts can testify to the techniques used and duty of care expected.
- GSK's Motion *in Limine*, in *Kilker v. GSK*, February Term 2007, No. 1813, to Exclude Evidence of Changes to Paxil Labeling and Warnings as Subsequently Remedial Measures, Control No. 09082138 — Granted herein: evidence of changes to Paxil labeling and warnings are not admissible as evidence of subsequent remedial measures.

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

1. The parties' motions *in limine* listed above are deemed filed in all cases filed in the above-captioned program;
2. The parties' oppositions 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:

A handwritten signature in black ink, appearing to read 'S. Moss', with a long horizontal line extending to the right.

Honorable Sandra Mazer Moss  
Coordinating Judge  
Complex Litigation Center

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION

DOCKETED  
COMPLEX LIT CENTER

SEP 14 2009

J. STEWART

LYAM KILKER, a minor, by MICHELLE M.	:	FEBRUARY TERM, 2007
DAVID, as Guardian and Individually,	:	
	Plaintiffs	: NO. 1813
vs.	:	
	:	
SMITHKLLINE BEECHAM CORPORATION,	:	
d/b/a GLAXOSMITHKLINE,	:	
	Defendant	:

AND NOW, to wit, this 11<sup>th</sup> day of September, 2009, it is hereby ORDERED AND DECREED that the following decisions regarding Plaintiffs' Motions in Limine, with reference to the above captioned case, be docketed and made part of the official record.

Control # 09081988 No. 1 - DENIED in regards to smoking and GRANTED in regards to alcohol;

Control # 09082021 No. 2 - DENIED insofar as: Defendant has medical testimony, Defendant does not exceed scope of expert reports, and, Defendant does not attempt to use other medications to suggest causation;

Control No. 09082057 No. 3 - GRANTED / AGREED;

Control No. 09082058 No. 4 - GRANTED as to sexual conduct. Further information requested regarding the relevancy of any birth control products, that decision is postponed until time of trial;

Control No. 09081998 No. 5 - GRANTED / AGREED;

Control No. 09082052 No. 6 -GRANTED;

Control 09082022 No. 7 -GRANTED in regards to alcohol/drugs, and DENIED regarding smoking;

Control No. 09082023 No. 8 -GRANTED / AGREED;

Control No. 09082059 No. 9 –GRANTED / AGREED

Control No. 09082024 No. 10 –GRANTED / AGREED;

Control No. 09082060 No. 11 –GRANTED as to precluding evidence or argument of contributory negligence by Plaintiff, and DENIED insofar as Defendant is allowed to present evidence regarding prescriber's conduct;

Control No. 09082064 No. 12 –GRANTED;

Control No. 09082067 No. 13 –WITHDRAWN / AGREED;

Control No. 09082066 No. 14 –DENIED (in part);

Control No. 09082061 No. 15 –GRANTED;

Control No. 09082026 No. 16 –DEFERRED until time of trial;

Control No. 09082063 No. 17 – DEFERRED until time of trial;

Control No. 09082027 No. 18 – DENIED; and

Control No. 09082145 No. 19 - WITHDRAWN / AGREED.

It is further ORDERED AND DECREED that the following decisions regarding Defendant's Motions in Limine, with reference to the above captioned case, be docketed and made part of the official record.

Control No. 09082135 No. 1 –

- Subpart 1: Motion to Exclude Specific Evidence of Defendant's conduct after 2005 (slides from "pregnancy follow-up working group" withdrawn) – DENIED;
- Subpart 2: Motion to Exclude Evidence of Defendant's marketing materials that were never implemented – DENIED;
- Subpart 3: Motion to Exclude Evidence of Defendant's marketing and promotion unrelated to Plaintiff or her doctors – DENIED;

- Subpart 4:** Motion to Exclude Testimony of Defendant's sales representatives with no connection to Plaintiff's doctors - *DENIED*;
- Subpart 5:** Motion to Exclude Evidence and Argument regarding lawyer involvement in science - *DENIED*; *However, this does not preclude Δ from arguing the admissibility of documents. Also, Π must lay a foundation for testimony relating to the alleged interaction of medical experts and Δ's counsel.*
- Subpart 6:** Motion to Exclude Evidence related to the CASPPER program - *DENIED*;
- Subpart 7:** Motion to Exclude Unrelated Adverse Events and Reports that have no relationship to the injuries alleged by Plaintiff - *GRANTED*;
- Subpart 8:** Motion to Preclude Evidence or Reference to September 11, 2001 - *GRANTED*;
- Subpart 9:** Motion to Preclude Evidence relating to a February 23, 2009 interview of Myles Kilker by an attorney for Defendant - *GRANTED*;
- Subpart 10:** Motion to Preclude Evidence of Plaintiff's Paxil use - *DENIED*; *However, counsel may object to possible hearsay statements at trial.*

Control No. 09082136 No. 2 - GRANTED;

Control No. 09082144 No. 3 - DENIED;

Control No. 09082143 No. 4 - DENIED;

Control No. 09082142 No. 5 - GRANTED (in part);

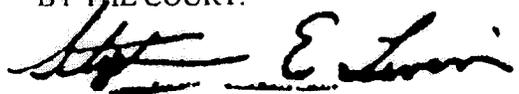
Control No. 09082141 No. 6 - GRANTED with limitation that, although experts cannot speak directly to the motives or intentions behind actions, the experts can testify to the techniques used and duty of care expected;

Control No. 09082140 No. 7 - GRANTED as Plaintiff is precluded from introducing evidence of other injuries in regards to damages. Partially postponed until time of trial;

Control No. 09082139 No. 8 - GRANTED; and

Control No. 09082138 No. 9 - DENIED.

BY THE COURT:



STEPHEN E. LEVIN, S.J.

COPIES SENT  
PURSUANT TO Pa.R.C.P. 236(b)

FIRST JUDICIAL DISTRICT OF PA  
USER I.D.: 

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

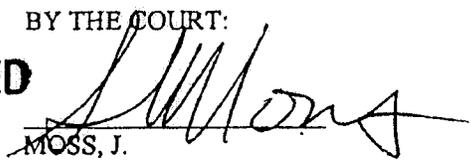
LYAM KILKER, a Minor, by MICHELLE M.	)	PHILADELPHIA COUNTY
DAVID, As Guardian and Individually	)	COURT OF COMMON PLEAS
	)	
Plaintiffs,	)	
	)	
VS.	)	FEBRUARY TERM, 2007
	)	NO. 1813
	)	
SMITHKLINE BEECHAM CORPORATION, d/b/a	)	"PAXIL PREGNANCY" CASE
GLAXOSMITHKLINE	)	
	)	
Defendant	)	

ORDER

AND NOW, this 2nd day of Sept, 2009, upon consideration of Plaintiffs' Motion *in Limine* No. 15 - Motion *in Limine* to Exclude any Evidence, Argument and/or References Regarding Adverse Impact of a Plaintiffs' Verdict, and upon consideration of Defendant's Response thereto, it is hereby ORDERED that Plaintiffs' Motion *in Limine* is **GRANTED**.

BY THE COURT:

**UNCONTESTED**

  
MOSS, J.

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PURSUANT TO Pa.R.C.P. 236(b)

SEP 02 2009

FIRST JUDICIAL DISTRICT OF PA  
USER I.D.: \_\_\_\_\_

Case ID: 070201813  
Control No.: 09082061

LYAM KILKER, a Minor by MICHELLE M. DAVID, Guardian and MICHELLE M. DAVID Individually,

Plaintiffs,

v.

SMITHKLINE BEECHAM CORPORATION  
d/b/a GLAXOSMITHKLINE

Defendant.

COURT OF COMMON PLEAS  
CIVIL TRIAL DIVISION  
PHILADELPHIA COUNTY

FEBRUARY TERM, 2007

NO. 001813

PAXIL - PREGNANCY

ORDER

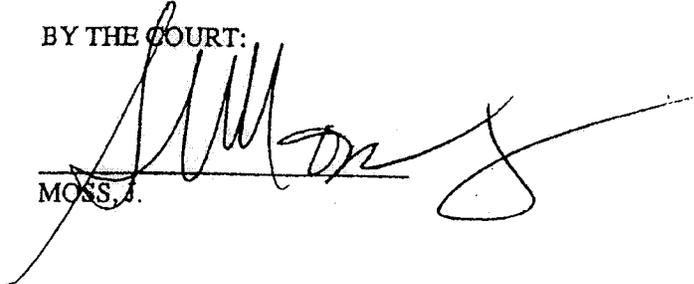
AND NOW, this 1st day of Dec., 2009, upon consideration of the Motion In Limine to Exclude to exclude evidence of or reference to foreign investigations or regulatory actions, including labeling, related to Paxil filed by Defendant SmithKline Beecham Corporation d/b/a GlaxoSmithKline, and any response or reply thereto, and having considered the arguments of counsel, it is hereby ORDERED that Defendant's Motion is GRANTED. Any evidence or reference to investigations, regulatory actions, labeling or "warnings" related to Paxil <sup>U.S.</sup> outside the United States is hereby EXCLUDED.

BY THE COURT:

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PURSUANT TO Pa.R.C.P. 236(b)

SEP 02 2009

FIRST JUDICIAL DISTRICT OF PA  
USER I.D.: \_\_\_\_\_

  
MOSS, J.

Case ID: 070201813  
Control No.: 09082142