

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PENNSYLVANIA

IN RE: AVANDIA LITIGATION : February Term, 2008
: :
: No. 2733
:

DOCKETED
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MAR 15 2010

J. STEWART

CASE MANAGEMENT ORDER 7
(Scheduling of Initial Trial Group Cases)

AND NOW, this 11th day of March, 2010, the Court hereby enters the following Case Management Order.

This Order shall apply to the initial group of 16 trial cases selected by the parties as specified below. After this Court issued CMO 6 regarding Scheduling of Initial Trial Group Cases, Plaintiffs dismissed Defendant's first two trial case selections, Carrasquillo and Tartack. As a result of these dismissals, this Court is issuing CMO 7 to reassign deadlines for the initial group of 16 trial cases that remain. The parties agree that the deadlines for these trial cases will promote judicial efficiency, avoid duplication of effort and reduce the costs and expenses associated with this litigation, while maintaining the just and speedy determination of the claims at issue. Furthermore, this Order is consistent with the Court's original timeline for the overall disposition of the cases in the Initial Trial Group pursuant to CMO 4.

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 for the 16 trial cases selected by the parties are as follows:

In Re: Avandia Litigation-ORDER



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The deadlines set forth in CMO 4 will remain in place for Plaintiffs' first trial selection -- **Barnes, January Term 2008, Case No. 3748**, except that the Pretrial/Settlement Conference is now scheduled to take place on May 18, 2010.

For the remaining 15 cases from the Initial Trial Group, the following case-specific deadlines shall apply to those categories more fully described in Section II (A) – (E) of CMO 4 and in accordance with the Court's trial schedule also established in CMO 4¹:

I. Self, October Term 2007, Case No. 2457; Buford, February Term 2008, Case No. 4160.

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| A. | Fact Discovery: | March 1, 2010 |
| B. | Plaintiffs' Expert Reports: | April 1, 2010 |
| C. | Summary Judgment Motions | May 1, 2010 |
| D. | Defendant's Expert Reports: | May 14, 2010 |
| E. | <u>Frye</u> Motions ² : | June 1, 2010 |
| F. | Pretrial Motions: | June 1, 2010 |
| G. | <u>Self</u> Pretrial/Settlement Conference: | June 1, 2010 11:30 |
| | <u>Self</u> Trial Date: | July 6, 2010 |
| H. | <u>Buford</u> Pretrial/Settlement Conference: | June 22, 2010 - 1:30 |
| | <u>Buford</u> Trial Date: | July 19, 2010 |

II. Smith, May Term 2008, Case No. 3054; Bryant, May Term 2008, Case No. 1379.

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| A. | Fact Discovery: | April 1, 2010 |
| B. | Plaintiffs' Expert Reports: | May 3, 2010 |
| C. | Summary Judgment Motions | June 1, 2010 |
| D. | Defendant's Expert Reports: | June 17, 2010 |
| E. | <u>Frye</u> Motions: | July 1, 2010 |
| F. | Pretrial Motions: | July 1, 2010 |
| G. | <u>Smith</u> Pretrial/Settlement Conference By: | July 1, 2010 7/13 - 9:30 |
| | <u>Smith</u> Trial Date: | August 9, 2010 |
| H. | <u>Bryant</u> Settlement/Pretrial Conference By: | July 22, 2010 8/10 9:30 |
| | <u>Bryant</u> Trial Date: | August 23, 2010 |

¹ For each grouping of cases, Defendant's trial selection is listed first and Plaintiffs' selection is listed second.

² As set forth in CMO 4, expert depositions will not be permitted except upon leave of Court. To the extent expert depositions are permitted by the Court, they shall be completed no later than the deadline assigned for the filing of Frye motions for each case.

III. Thomas, December Term 2007, Case No. 2483; Yogus, February Term 2008, Case No. 3669.

- A. Fact Discovery: May 3, 2010
- B. Plaintiffs' Expert Reports: June 2, 2010
- C. Summary Judgment Motions: July 1, 2010
- D. Defendant's Expert Reports: July 16, 2010
- E. Frye Motions: August 2, 2010
- F. Pretrial Motions: August 2, 2010
- G. Thomas Pretrial/Settlement Conference By: ~~August 2, 2010~~ 8/17 - 1:30
Thomas Trial Date: September 7, 2010
- H. Yogus Pretrial/Settlement Conference By: ~~August 19, 2010~~ 8/30 1:30
Yogus Trial Date: September 20, 2010

IV. Powell, June Term 2008, Case No. 2410; Albert, May Term 2008, Case No. 1378.

- A. Fact Discovery: June 1, 2010
- B. Plaintiffs' Expert Reports: July 1, 2010
- C. Summary Judgment Motions: August 2, 2010
- D. Defendant's Expert Reports: August 16, 2010
- E. Frye Motions: September 1, 2010
- F. Pretrial Motions: September 1, 2010
- G. Powell Pretrial/Settlement Conference By: ~~September 1, 2010~~ 9/2 1:30
Powell Trial Date: October 4, 2010
- H. Albert Pretrial/Settlement Conference By: ~~September 23, 2010~~ 9/23 9:30
Albert Trial Date: October 18, 2010

V. Hall, November Term 2007, Case No. 2712; McLure, December Term 2007, Case No. 4431.

- A. Fact Discovery: July 1, 2010
- B. Plaintiffs' Expert Reports: August 2, 2010
- C. Summary Judgment Motions: September 1, 2010
- D. Defendant's Expert Reports: September 17, 2010
- E. Frye Motions: October 1, 2010
- F. Pretrial Motions: October 1, 2010
- G. Hall Pretrial/Settlement Conference By: ~~October 1, 2010~~ 10/9 1:30
Hall Trial Date: November 8, 2010
- H. McLure Pretrial/Settlement Conference By: ~~October 21, 2010~~ 10/27 9:30
McLure Trial Date: November 22, 2010

VI. Cearley, November Term 2007, Case No. 3877; Schreffler, April Term 2008, Case No. 0361.

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| A. | Fact Discovery: | August 2, 2010 |
| B. | Plaintiffs' Expert Reports: | September 2, 2010 |
| C. | Summary Judgment Motions | October 1, 2010 |
| D. | Defendant's Expert Reports: | October 18, 2010 |
| E. | <u>Frye</u> Motions: | November 1, 2010 |
| F. | Pretrial Motions: | November 1, 2010 |
| G. | <u>Cearley</u> Pretrial/Settlement Conference By: | November 1, 2010 <i>11/10 9:30</i> |
| | <u>Cearley</u> Trial Date: | December 6, 2010 |
| H. | <u>Schreffler</u> Pretrial/Settlement Conference By: | November 18, 2010 <i>11/30 9:30</i> |
| | <u>Schreffler</u> Trial Date: | December 20, 2010 |

VII. Mitchell, August Term 2008, Case No. 2243; Wright, February Term 2008, Case No. 2651.

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| A. | Fact Discovery: | September 1, 2010 |
| B. | Plaintiffs' Expert Reports: | October 1, 2010 |
| C. | Summary Judgment Motions | November 1, 2010 |
| D. | Defendant's Expert Reports: | November 16, 2010 |
| E. | <u>Frye</u> Motions: | December 1, 2010 |
| F. | Pretrial Motions: | December 1, 2010 |
| G. | <u>Mitchell</u> Pretrial Conference By: | December 1, 2010 <i>12/14 9:30</i> |
| | <u>Mitchell</u> Trial Date: | January 10, 2011 |
| H. | <u>Wright</u> Pretrial/Settlement Conference By: | December 16, 2011 <i>2:00</i> |
| | <u>Wright</u> Trial Date: | January 24, 2011 |

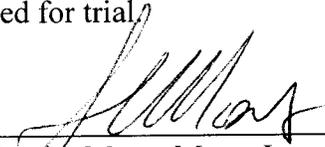
VIII. Bane, April Term 2008, Case No. 4022.

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| A. | Fact Discovery: | October 1, 2010 |
| B. | Plaintiffs' Expert Reports: | November 1, 2010 |
| C. | Summary Judgment Motions | December 1, 2010 |
| D. | Defendant's Expert Reports: | December 16, 2010 |
| E. | <u>Frye</u> Motions: | January 5, 2011 |
| F. | Pretrial Motions: | January 5, 2011 |
| H. | <u>Bane</u> Pretrial/Settlement Conference By: | January 5, 2011 <i>1/12 1:30</i> |
| | <u>Bane</u> Trial Date: | February 7, 2011 |

If a case selected for trial by Plaintiffs is settled, dismissed or otherwise cannot be tried as scheduled, then the next available trial-ready Plaintiffs' selection shall replace it. Similarly, if a case selected by Defendant is settled, dismissed or otherwise cannot be

tried as scheduled, then the next available trial-ready Defendant's selection would replace it. If there are either no more Plaintiffs' selections or no more Defendant's selections ready to be tried as scheduled in a given month, the Court will consult with the parties regarding the next available trial-ready case to be called for trial.

Date: _____



Sandra Mazer Moss, J.