

document may be incorporated by reference, either orally before the Court, or within another properly filed pleading, motion, order, or other document.

II. STAY OF PROCEEDINGS

1. All Avandia Cases are hereby stayed in all respects. Any plaintiff's counsel may protect the statute of limitations period for any claimant by filing a Writ of Summons. Defense counsel may enter their respective appearances in each case, but shall not serve a Rule to File a Complaint. There are to be no further pleadings, motions, or discovery proceedings, including but not limited to Preliminary Objections, Answers, Interrogatories, Requests for Production, Subpoenas, Notices of Deposition, or Requests for Medical Records, until further Order of this Court, as set forth below. To the extent there are any pending discovery requests, responses to such requests are stayed until further Order of this Court.

2. Further, the parties in these cases are directed to refrain from filing any potentially dispositive motions (i.e., Motions for Summary Judgment or Judgment on the Pleadings) temporarily until further Order.

III. PLEADINGS

A. MASTER LONG FORM COMPLAINT

1. The Parties agree to meet and confer before the filing of plaintiffs' Master Long Form Complaint to attempt to address any Pretrial Objections if possible by agreement.

2. Sixty (60) days from the entry of this Order, counsel for plaintiffs in pending Avandia Cases shall confer and shall collectively file a Master Long Form Complaint ("Master Complaint"). The Master Complaint must be served on SmithKline Beecham Corporation d/b/a GlaxoSmithKline ("GSK") at its offices in Philadelphia, in accordance with the Pennsylvania Rules of Civil Procedure, before a response is required. The filing of the

Master Complaint does not toll any applicable statute of limitations or repose as to any individual plaintiff in any Avandia Cases.

3. On or before forty-five (45) days after valid service of the Master Complaint, each Defendant shall file either (a) a Master Answer or (b) a Master Set of Preliminary Objections to the Master Complaint.

4. All motions filed in the Avandia Cases shall be in letter format pursuant to mass tort procedure.

5. Plaintiffs shall respond to any Master Preliminary Objections within forty-five (45) days of service.

6. The Court will rule on the Master Preliminary Objections, and a hearing will be held upon application of a party. The Court's ruling on the Master Preliminary Objections will be binding on all current and future Avandia Cases.

7. If Master Preliminary Objections are sustained to one or more counts in the Master Complaint for the Avandia Cases, plaintiffs, if so ordered, shall file a conforming Amended Master Complaint within forty-five (45) days of the Order sustaining the Master Preliminary Objections.

8. If Master Preliminary Objections are sustained to one or more counts in the Master Complaint, those counts shall be deemed stricken from any subsequently filed Short Form Complaint (see ¶ III.B.2 below), and plaintiffs, if so ordered, shall file a conforming Short Form Complaint within forty-five (45) days of the Order sustaining the Master Preliminary Objections.

9. Any Avandia Case plaintiff who wishes to file a claim against a defendant not named in the Master Complaint must simultaneously serve a copy of this Order and the

Master Long Form Complaint for the Avandia Cases on any such defendant. Failure to do so will relieve a defendant not named in the Master Complaint for the Avandia Cases of the obligation to answer or preliminarily object to the Master Complaint for the Avandia Cases.

10. Subject to Paragraph No. 9 above, subsequently added defendants shall have the right to file a Master Answer or Master Preliminary Objections within thirty (30) days of service of a Short Form Complaint. Plaintiffs shall then have forty-five (45) days after service to respond to the subsequently added defendant's Preliminary Objections.

11. In the event that an Amended Master Complaint is filed in the Avandia Cases, defendants shall have forty-five (45) days from filing of the Amended Master Complaint to file a responsive pleading; or, if no such Amended Master Complaint need be filed, defendants shall have forty-five (45) days from the Order determining Master Preliminary Objections to file a Master Answer for the Avandia Cases.

12. If a New Matter is pleaded in the Avandia Cases, such New Matter in the Avandia Cases will be deemed denied and plaintiffs are not required to file any further responsive pleadings to defendants' New Matter in the Avandia Cases.

B. PREVIOUSLY FILED CASES

1. The Master Complaint for the Avandia Cases will substitute for and supersede all complaints filed in individual Avandia Cases pending in the Philadelphia County Court of Common Pleas.

2. Within sixty (60) days of the entry of this Order, each plaintiff in an Avandia Case shall file a Short Form Complaint, in a form to be agreed upon with defendant's counsel, using each action's original court term and number.

3. All allegations in Short Form Complaints will be deemed denied, and defendants are not required to file answers to Short Form Complaints, unless any plaintiff alleges a cause of action not included in the Master Complaint, in which case defendant may file a preliminary objection to any such count or file an Amended Master Answer asserting affirmative defenses applicable to any such count not included in the Master Complaint. An entry of appearance shall constitute a denial of all allegations in the Short Form Complaint and an assertion of all affirmative defenses asserted in the Master Answer.

4. Defendants will not file preliminary objections challenging claims as to which preliminary objections have previously been overruled.

5. Plaintiffs shall have forty-five (45) days to file a response to any preliminary objections.

6. The Court will rule on the preliminary objections, and whether a hearing thereon is scheduled is solely within the discretion of the Court.

7. If the Court's ruling on preliminary objections to a Short Form Complaint does not provide for the filing of an Amended Short Form Complaint, the remaining allegations of the Short Form Complaint shall be deemed denied and defendants are not required to file an answer.

8. If any of the Court's rulings permit a plaintiff to file an Amended Short Form Complaint, defendants may file a Short-Form Answer within forty-five (45) days, but shall not be obligated to do so.

9. If no responsive pleading is filed, allegations in an Amended Short Form Complaint will be deemed denied.

C. NEWLY FILED CASES

1. All Avandia Cases filed after the date of the filing of the Master Complaint shall be instituted by the filing of a Writ of Summons or a Short Form Complaint. If suit is instituted by a Writ of Summons, any named defendant may file a Rule to File a Complaint, which shall apply to the benefit of all named defendants.
2. Plaintiffs shall indicate in each Short Form Complaint those counts of the Master Complaint that are incorporated by reference.
3. If additional causes of action are alleged in a Short Form Complaint, the specific facts supporting these allegations shall be pleaded in accordance with the Pennsylvania Rules of Civil Procedure, and the defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to the Short Form Complaint.
4. Defendants shall have thirty (30) days from the date of service of the Short Form Complaint or thirty (30) days from the date of the Court's ruling on the Master Preliminary Objections, whichever is later, to file preliminary objections to each Short Form Complaint.
5. If no responsive pleading is filed, allegations in a Short Form Complaint shall be deemed denied. An entry of appearance shall constitute a denial of all allegations in a Short Form Complaint and an assertion of all affirmative defenses asserted in the Master Answer.
6. Defendants will not file preliminary objections challenging claims as to which Master Preliminary Objections have previously been overruled.
7. Plaintiffs shall have forty-five (45) days from the date of service of preliminary objections to file a response.

8. A hearing will be scheduled upon application of a party and the Court will rule on the preliminary objections.

9. If the Court's ruling on preliminary objections to a Short Form Complaint does not provide for the filing of an Amended Short Form Complaint, the remaining allegations of the Short Form Complaint shall be deemed denied.

10. If any of the Court's rulings permit a plaintiff to file an Amended Short Form Complaint, defendants shall be afforded forty-five (45) days after service of an Amended Short Form Complaint in which to file a responsive pleading.

11. If no responsive pleading is filed, allegations in an Amended Short Form Complaint will be deemed denied.

D. SERVICE OF PAPERS AND PLEADINGS ON LIAISON COUNSEL

1. All Master Pleadings, Master Discovery Requests and Responses, and Master Motions and Responses served under the Avandia master caption shall be served on opposing liaison counsel. Christopher Gomez of The Miller Firm, LLC, and Sol H. Weiss of Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley, P.C. have agreed to serve as Plaintiffs' Co-Liaison Counsel, and Nina M. Gussack of Pepper Hamilton LLP will serve as Defendants' Liaison Counsel. Service on liaison counsel shall be deemed as service on all counsel, and liaison shall be responsible for disseminating to all co-counsel. The parties will make a single service of these documents to opposing liaison counsel electronically in pdf or similar format, and may serve additional copies in paper form. Where a master pleading, master discovery request or response, or master motion or response contains more than 20 pages in attachments, the parties shall only be required to serve the exhibits once, in paper form, but may serve the exhibits electronically in pdf or similar format. Other plaintiffs' counsel who are counsel of

record for cases pending in these Avandia Cases who would like copies of these documents are bound by the terms of the Protective Order to be entered by this Court and must make arrangements through plaintiffs' liaison counsel for the Avandia Cases if they wish to obtain copies of these documents.

2. All documents served on liaison counsel shall be served at counsel's Philadelphia office in accordance with the Pennsylvania Rules of Civil Procedure and the Mass Tort Program and Complex Litigation Center rules.

3. All case specific documents shall be served on proper individual counsel in a manner consistent with the Pennsylvania Rules of Civil Procedure and the Mass Tort Program and Complex Litigation Center rules.

4. Issues relating to discovery will be addressed in a separate Order.

BY THE COURT

Teresky

Date: April 14, 2008

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March 31, 2008

Via Hand Delivery

The Honorable Allan L. Tereshko
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**STANLEY THOMPSON
RECEIVED**

MAR 31 2008

COMPLEX LIT CENTER

Re: In re: Avandia, February Term, 2008, No 2733

Dear Judge Tereshko:

Thank you for allowing the parties additional time to submit an agreed Case Management Order. Enclosed is the parties' proposed Case Management Order No. 1 for the Court's consideration.

The parties continue to discuss case management issues, including a draft CMO No. 2 relating to discovery. In addition, the plaintiffs have requested that Defendant agree to accept service of the Short Form Complaint. This request is being considered, and the parties will submit any agreed-upon procedure on this issue to the Court for approval.

Respectfully,



Sean P. Fahey

**RECEIVED
APR 3 2008
HONORABLE ALLAN L. TERESHKO**

SPF/jse

Enclosure

cc: Christopher Gomez, Esq.
Sol H. Weiss, Esq.
(by pdf and First Class Mail)