



IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PENNSYLVANIA

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

COPIES SENT
PURSUANT TO Pa.R.C.P. 236(b)
APR 17 2009
FIRST JUDICIAL DISTRICT OF PA
USERT.D.: 2

CASE MANAGEMENT ORDER 4

AND NOW, this 15th, day of April, 2009, the Court hereby enters the following Case Management Order.

DOCKETED
COMPLEX LIT CENTER
APR 17 2009
J. STEWART

I. DISCOVERY PLAN

A. Discovery Groups

Discovery Group 1 shall consist of all cases filed in the Philadelphia County Court of Common Pleas prior to September 8, 2008 pursuant to Section X (1) of CMO-2. A list of the cases filed prior to September 8, 2008 is attached hereto as Exhibit "A."

Until the Court selects a subset of Discovery Group 1 cases to serve as an Initial Trial Pool, case-specific fact witness depositions in the Discovery Group I cases shall be presumptively limited to "Threshold Discovery." Threshold Discovery includes in each case the depositions of (i) plaintiff; (ii) plaintiff's spouse or significant other; (iii) plaintiff's prescribing healthcare providers (physicians and nurse practitioners); (iv) treating physicians (limit of two) who provided significant care related to the plaintiff's alleged injuries; (v) two other physicians who rendered substantial medical care to the plaintiff (primary care physician and endocrinologist, for example); and (vi) up to two GSK sales representatives who called upon plaintiff's prescribing healthcare providers. For any case in which the alleged injury includes death, Threshold Discovery shall also

include the depositions of any statutory beneficiaries of the decedent and medical personnel who examined the decedent (e.g., coroners and pathologists).

After an initial Trial Pool is selected, the parties shall, within thirty (30) days submit an agreed-upon proposal setting forth deadlines and parameters for any additional case specific discovery beyond Threshold Discovery outlined herein.

Within sixty (60) days of the entry of this Case Management Order, the parties shall submit an agreed-upon proposal setting forth the process by which the remaining cases in this Court will be assigned to subsequent discovery groups, or submit competing proposals to the Court.

B. Depositions

Within thirty (30) days of the entry of this Case Management Order, the parties shall agree to a proposed Case Management Order regarding the conduct of depositions, in accordance with which depositions shall be conducted, or submit competing Proposed Case Management Orders to the Court for consideration.

II. SCHEDULING DEADLINES

The following deadlines shall apply to cases in Discovery Group I:

A. **Case Specific Discovery:** All Threshold Discovery relating to the individual claims of plaintiffs in Discovery Group I shall be completed on or before December 1, 2009.

B. **Expert Reports:**

1. Plaintiffs' expert reports will be due no later than January 4, 2010.

2. Defendant's expert reports will be due no later than February 15, 2010.

3. All Frye Motions shall be due no later than April 12, 2010. 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 April 12, 2010.

C. **Summary Judgment Motions:** It is anticipated that summary judgment motions will be due no later than March 15, 2010 for the first case selected for trial. Parties will have thirty (30) days in which to respond to summary judgment motions. For all subsequent trials, summary judgment motions will be due no later than sixty (60) days prior to jury selection. Parties will have thirty (30) days in which to respond to summary judgment motions.

D. **Pre-Trial Motions:** Pre-trial motions including motions in limine will be due no later than April 27, 2010, for the first case selected for trial. Parties will have two (2) weeks in which to respond to pre-trial motions or no later than May 11, 2010. For all subsequent trials, pre-trial motions will be due no later than thirty (30) days prior to jury selection. Parties will have two (2) weeks in which to respond to pre-trial motions.

E. **Settlement Conference:** A settlement conference will be scheduled after May 3, 2010, for the first case selected for trial. For all

subsequent trials, a settlement conference will be scheduled no later than thirty (30) days prior to jury selection.

- F. **Trial:** Jury selection will begin on May 27, 2010. The first Avandia trial will begin on June 1, 2010. A trial will take place every two (2) weeks thereafter until all cases in Discovery Group 1 have been disposed of by way of trial, settlement or dismissal.

Date:

4/15/09

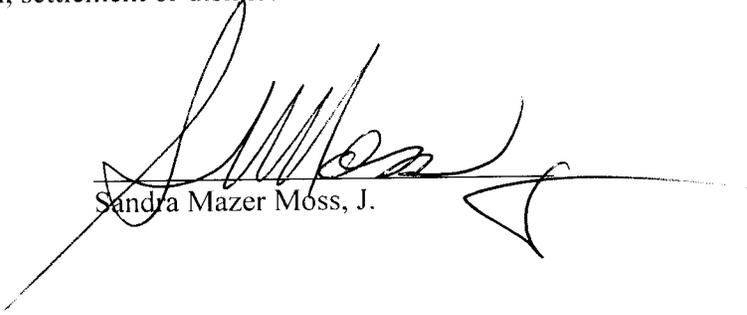

Sandra Mazer Moss, J.

EXHIBIT A

Case Listing:
In re Avandia (February Term 2008, No. 2733)

Plaintiff	State	Docket Number	Date Filed	Counsel For Plaintiff(s)
Parks, Josephine	PA	001670; October 2007	10/11/2007	Finkelstein & Partners, LLP; Pogust Braslow & Milrood
Perronol, Preston	NV	002454; October 2007	10/17/2007	The Miller Firm, LLC
Self, Joe	TN	002457; October 2007	10/17/2007	The Miller Firm, LLC
Tartack, Nancy	PA	004010; October 2007	10/26/2007	Kline & Specter PC; The Lanier Law Firm
Yeager, Elizabeth	PA	004055; October 2007	10/26/2007	Kline & Specter PC; The Lanier Law Firm
Kozar, Agnes	PA	004897; October 2007	11/01/2007	The Lanier Law Firm
Hall, Charles	WV	002712; November 2007	11/21/2007	Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, PC
Cearley, Travis	AZ	003877; November 2007	11/29/2007	Kline & Specter PC; The Lanier Law Firm
Thomas, Samuel	PA	002483; December 2007	12/14/2007	Kline & Specter PC; The Lanier Law Firm
McLure, Benjamin	PA	004431; December 2007	12/28/2007	Kline & Specter PC; The Lanier Law Firm
Bosak, Kenneth	PA	000521; January 2008	01/09/2008	Kline & Specter PC; The Lanier Law Firm
Carrasquillo, Jose	PA	003671; January 2008	01/29/2008	Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, PC
Massey, Barbara	NJ	001248; February 2008	02/08/2008	Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, PC
Garcia, Yolanda	TX	001967; February 2008	02/14/2008	Kline & Specter PC; The Lanier Law Firm
Wright, Michelle	NC	002651; February 2008	02/20/2008	Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, PC
Yogus, William	PA	003669; February 2008	02/22/2008	Kline & Specter PC; The Lanier Law Firm
Buford, Karen	PA	004160; February 2008	02/29/2008	Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, PC
Yubeta, George	AZ	000466; March 2008	02/29/2008	The Miller Firm, LLC
Kennedy, Karen	AZ	000391; March 2008	03/01/2008	The Miller Firm, LLC
Walker, Juliet	IL	001054; March 2008	03/01/2008	The Miller Firm, LLC
Killinger, Cheryl	PA	001168; March 2008	03/06/2008	Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, PC
Lipski, Henry	PA	002966; March 2008	03/18/2008	Meyerson & O'Neill
Long, Barbara	NY	004370; March 2008	03/26/2008	Andrus Boudreaux PLC; Aylstock, Witkin, Kreis & Overholtz; Mellon Webster & Shelley, PC
Schreffler, Frank	PA	000361; April 2008	04/08/2008	Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, PC

**Case Listing:
In re Avandia (February Term 2008, No. 2733)**

Plaintiff	State	Docket Number	Date Filed	Counsel For Plaintiff(s)
Bane, June	WV	004022; April 2008	04/30/2008	Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, PC
Moon, Charles	NJ	003976; April 2008	04/30/2008	Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, PC
Albert, Henry Jr.	LA	001378; May 2008	05/09/2008	Kline & Specter PC; Mark Davis, PC
Arendall, Michael	GA	001383; May 2008	05/09/2008	Kline & Specter PC; Mark Davis, PC
Bryant, Louis	KY	001379; May 2008	05/09/2008	Kline & Specter PC; Mark Davis, PC
Newcomb, Wilbert	LA	001381; May 2008	05/09/2008	Kline & Specter PC; Mark Davis, PC
Richmond, Fred	LA	001380; May 2008	05/09/2008	Kline & Specter PC; Mark Davis, PC
Greer, Betty	WI	001233; May 2008	05/12/2008	Andrus Boudreaux PLC; Aylstock, Witkin, Kreis & Overholz; Mellon Webster & Shelley, PC
Mauro, Betty	PA	001141; May 2008	05/12/2008	Aylstock, Witkin, Kreis & Overholz; Mellon Webster & Shelley, PC
Fox, Deanna	TN	002523; May 2008	05/20/2008	Finkelstein & Partners, LLP; Pogust Braslow & Millrood
Frensky, Richard	PA	002516; May 2008	05/20/2008	Finkelstein & Partners, LLP; Pogust Braslow & Millrood
Walls, Stephen	IN	025027; May 2008	05/20/2008	Finkelstein & Partners, LLP; Pogust Braslow & Millrood
Smith, John Jr	PA	003054; May 2008	05/21/2008	Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, PC
Gallagher, Phillip	IN	001332; June 2008	06/09/2008	Finkelstein & Partners, LLP; Pogust Braslow & Millrood
Lucas, Larry	WV	001331; June 2008	06/09/2008	Finkelstein & Partners, LLP; Pogust Braslow & Millrood
Cummings, William	PA	002214; June 2008	06/11/2008	Kline & Specter PC; The Lanier Law Firm
Powell, Vincent	PA	002410; June 2008	06/13/2008	Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, PC
Johnson, Ruth	WV	000286; July 2008	07/08/2008	The Miller Firm, LLC
Harbol, Sandra	FL	001754; July 2008	07/15/2008	The Miller Firm, LLC
Mitchell, Michael	FL	002243; August 2008	08/18/2008	Anapol, Schwartz, Weiss, Cohan, Feldman, & Smalley, PC