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JUN 26 2009

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

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JUN 26 2009

J. STEWART

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PENNSYLVANIA

IN RE: AVANDIA LITIGATION

:
: February Term, 2008
:
: No. 2733

In Re: Avandia Litigation-ORDER



08020273300018

PROPOSED ORDER REGARDING SELECTION OF TRIAL CASES

On this 4TH day of June, 2009, it is hereby

ordered and decreed that liaison counsel for plaintiffs and defendant shall each submit a list of ten (10) cases selected from Discovery Group 1 to the court by August 1, 2009.

The list of ten (10) cases will be prioritized in order from 1 to 10. Plaintiffs' case number 1 will be the first case selected for the trial set for June 1, 2010. Defendant's case number 1 will be the second case selected for trial beginning June 14, 2010. The trials will then alternate between plaintiffs and defense picks until all of the cases have been disposed of by way of settlement, dismissal or verdict. If plaintiffs' first case selected for trial is dismissed by way of settlement or dispositive motion, the second case on plaintiffs' list will take its place for purposes of trial set for June 1, 2010. If defendant's first case selected for trial is dismissed by way of settlement or dispositive motion, the second case on defendant's list will take its place for purposes of trial set for June 14, 2010. For all remaining cases on plaintiffs' and defendant's submissions, the same procedure shall govern in the event that a case is dismissed by way of settlement or dispositive motion prior to the trial date.

By October 1, 2009, liaison counsel for plaintiffs and defendant shall each submit a list that prioritizes the remainder of the cases in Discovery Group 1. The same procedure set forth above shall govern the second submission of cases selected for trial.

BY THE COURT:



Sandra Mazer Moss, J.