

**ECKERT
SEAMANS**

FILED
17 FEB 2009 03:25 pm
Civil Administration Seamans Cherin & Mellott, LLC
Two Liberty Place
50 South 16th Street
22nd Floor
Philadelphia, PA 19102

TEL 215 851 8400
FAX 215 851 8383
www.eckertseamans.com

Albert G. Bixler
215.851.8412
abixler@eckertseamans.com

CONTROL NO.

**(RESPONDING PARTIES MUST INCLUDE THIS
NUMBER ON ALL FILINGS)**

February 17, 2009

Via Electronic Filing

City Hall – Room 622
Philadelphia, PA 19107

Re: In Re Trasyol Products Liability Litigation, June Term 2008, No. 5229

Motion: Joint Motion for Entry of Case Management Order

Filing Date: February 17, 2009

Response Date: n/a

**Plaintiffs' Liaison Counsel: James R. Ronca, Esquire
Sol H. Weiss, Esquire
Anapol, Schwartz, Weiss, Cohan,
Feldman & Smalley, P.C.**

**IN THE COURT OF COMMON PLEAS OF PENNSYLVANIA
PHILADELPHIA COUNTY**

IN RE TRASYLOL PRODUCTS LIABILITY : JUNE TERM 2008
LITIGATION :

: No. 5229

This Document Relates to All Actions :

**CASE MANAGEMENT ORDER NO. 4 RELATING TO SUBSTITUTION OF
BAYER SCHERING PHARMA AG FOR BAYER HEALTHCARE AG AND
PROVIDING FOR SERVICE ON BAYER SCHERING PHARMA AG**

The parties having jointly moved for entry of an Order respecting the fact that, as of December 30, 2008, Bayer HealthCare AG was merged with and into Bayer Schering Pharma AG, upon which Bayer HealthCare AG ceased to exist and Bayer Schering Pharma AG assumed all liabilities and functions of Bayer HealthCare AG, including those related to Trasylo[®], and that Bayer Schering Pharma stands in the shoes of the former Bayer HealthCare AG for the purposes of this litigation, and good cause appearing,

It is hereby ORDERED as follows:

1. In all cases in this litigation in which Bayer HealthCare AG has been joined as a defendant, Bayer Schering Pharma AG is SUBSTITUTED for Bayer HealthCare AG. This Order shall also apply to all Trasylo[®] cases filed in this Court after the date of this Order.
2. All prior Orders in this litigation are AMENDED to substitute “Bayer Schering Pharma AG” for “Bayer HealthCare AG” (or any abbreviation thereof).
3. Part IV(A) of Case Management Order No. 1 is AMENDED to substitute

General Counsel
Bayer Schering Pharma AG
Law & Patents
Müllerstrasse 178
13347 Berlin
Germany

for Alexander Bey, Esq., General Counsel, Bayer HealthCare AG, Law and Patents Department, 51368 Leverkusen, Germany. For a period of thirty (30) days after the date of this order, any notice addressed to Bayer HealthCare AG and transmitted in accordance with the original terms of Part IV(A) of Case Management Order No. 1 will be accepted as effective service upon Bayer Schering Pharma AG for purposes of this litigation.

DONE AND ORDERED this _____ day of February, 2009.

HON. SANDRA MAZER MOSS

February 17, 2009

Via Electronic Filing

The Honorable Sandra Mazer Moss
City Hall – Room 392
Philadelphia PA 19107

Re: *In Re Trasylol Products Liability Litigation, June Term 2008, No. 5229*

Dear Judge Moss:

Plaintiffs' Liaison Counsel¹ and Defendants Bayer Corporation, Bayer HealthCare Pharmaceuticals Inc., Bayer HealthCare LLC, Bayer AG, and Bayer Schering Pharma AG (as successor in interest to Bayer HealthCare AG) jointly request entry of Case Management Order No. 4 Relating to Substitution of Bayer Schering Pharma AG for Bayer Healthcare AG. In support of this motion, the parties state as follows:

1. As of December 30, 2008, Bayer HealthCare AG was merged with and into Bayer Schering Pharma AG. Bayer HealthCare AG ceased to exist at that time, and Bayer Schering Pharma AG assumed all liabilities and functions of Bayer HealthCare AG, including those related to Trasylol®. For purposes of this litigation, Bayer Schering Pharma AG stands in the shoes of the former Bayer HealthCare AG, and Bayer Schering Pharma AG has substituted itself for of Bayer HealthCare AG as a party defendant in this matter. *See* Notice of Substitution of Parties, filed herewith.

2. Although Pa. R. Civ. P. 2352(a) allows Bayer Schering Pharma AG to substitute itself for Bayer HealthCare AG and to defend pending Trasylol® cases without an express order

¹ Appointed in Case Management Order No. 1, Part II(A) (July 15, 2008) ("CMO No. 1").

of court, the parties request entry of the proposed stipulated order substituting Bayer Schering Pharma AG for Bayer HealthCare AG in all cases in this litigation (including cases filed in these coordinated proceedings after the date of this Order) and amending prior case management orders to refer to Bayer Schering Pharma AG instead of Bayer HealthCare AG. In addition, the proposed stipulated order modifies the provisions of Case Management Order No. 1 relating to service of complaints upon Bayer HealthCare AG by providing the proper address for the streamlined service procedures for service on Bayer Schering Pharma AG and procedures for service occurring in the thirty (30) day period after entry of the order.

Respectfully submitted,

/s/ James R. Ronca

James R. Ronca, Esquire
Sol H. Weiss, Esquire
Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley, P.C.
1710 Spruce Street
Philadelphia, Pennsylvania 19103
(215) 735-2098
Plaintiffs' Liaison Counsel

/s/ Albert G. Bixler

Albert G. Bixler, I.D. No. 45639
Rachel Castillo Rosser, I.D. No. 82691
Eckert Seamans Cherin & Mellott, LLC
Two Liberty Place
50 South 16th Street, 22nd Floor
Philadelphia, PA 19102
(215) 851-8400
Counsel for Bayer Corporation, Bayer HealthCare Pharmaceuticals Inc., Bayer HealthCare LLC, Bayer AG, and Bayer Schering Pharma AG

Dated: February 17, 2009

MO713677

c: All counsel of record (*via first class mail*)

CERTIFICATE OF SERVICE

I, Albert G. Bixler, hereby certify that on February 17, 2009, a true and correct copy of the foregoing Joint Motion for Entry of Case Management Order was electronically filed with the Court and a copy of same was served by first class mail on the following:

James R. Ronca, Esquire
Sol Weiss, Esquire
ANAPOL, SCHWARTZ, WEISS,
COHAN,
FELDMAN & SMALLEY, P.C.
1710 Spruce Street
Philadelphia, PA 19103

James J. McHugh, Jr., Esquire
Niki Trunk, Esquire
Carrie R. Capouellez, Esquire
LOPEZ MCHUGH, LLP
1123 Admiral Peary Way, Quarters K
Philadelphia, PA 19112

Scott Levensten, Esquire
THE LEVENSTEN LAW FIRM, P.C.
1325 Spruce Street
Philadelphia, PA 19107

Leonard V. Fodera, Esquire
Michael P. Lalli, Esquire
SILVERMAN & FODERA, PC
1835 Market Street – Suite 2600
Philadelphia, PA 19103

Thomas R. Kline, Esquire
Lee B. Balefsky, Esquire
Michelle L. Tiger, Esquire
KLINE & SPECTER, P.C.
1525 Locust Street, 19th Floor
Philadelphia, PA 19102

W. Steven Berman, Esquire
NAPOLI BERN & ASSOCIATES, LLP
One Greentree Center, Suite 201
Marlton, NJ 08053

Sean P. Tracey, Esquire
Shawn P. Fox, Esquire
TRACEY LAW FIRM
440 Louisiana, 16th Floor
Houston, TX 77002

Truett B. Akin, IV, Esquire
Roberta J. Karp, Esquire
CLARK, DEAN & BURNETT, G.P.
440 Louisiana, Suite 1600
Houston, TX 77002

M. Lynn Seithel, Esquire
MOTLEY RICE ATTORNEYS AT LAW,
LLC
28 Bridgeside Boulevard
P.O. Box 1792
Mt. Pleasant, SC 29465

SERVICE VIA E-MAIL ONLY - BY REQUEST
Raymond J. Peppelman, Jr., Esquire
GILLIGAN & PEPPELMAN, LLP
606 East Baltimore Pike
Media, PA 19063
ray@gandplaw.us

Marc P. Weingarten, Esquire
Locks Law Firm
The Curtis Center
601 Walnut Street, Suite 720 East
Philadelphia, PA 19106

Rachal Rojas, Esquire
MATTHEWS & ASSOCIATES
2905 Sackett Street
Houston, TX 77098

/s/ Albert G. Bixler
Albert G. Bixler

ATTORNEY GOOD FAITH CERTIFICATION

I, ALBERT G. BIXLER, certify that I have conferred with Plaintiffs' Liaison Counsel regarding the foregoing motion and case management order which are being jointly submitted to the Court for consideration.

/s/ Albert G. Bixler
Albert G. Bixler

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