

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

IN RE DIGITEK® LITIGATION

MARCH TERM, 2009

NO. 5166

In Re: Digitek Litigation-CMOIS



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MAR 2 - 2010

J. STEWART

CASE MANAGEMENT ORDER NO. 9
(REVISED CASE MANAGEMENT ORDER NO. 7)

The following Case Management Order will govern the first group of cases which consists of Digitek® cases filed in 2008 (“2008 Cases”) that are still pending in the Digitek® Litigation. This group includes the following cases:

1. *Tina Lopez, Personal Representative of the Estate of Esther Rodriguez, Deceased v. Actavis Totowa, LLC, Actavis, Inc., Mylan, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Mylan Bertek Pharmaceuticals, Inc. and UDL Laboratories.*
November Term, 2008 Docket No: 1472
2. *Christine Jones and Connie Flaherty, Personal Representatives of the Estate of Mary Ann Parson, Deceased v. Actavis Totowa, LLC, Actavis, Inc., Mylan, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Mylan Bertek Pharmaceuticals, Inc. and UDL Laboratories.*
November Term, 2008 Docket No: 1529
3. *Ruth Stanley, Personal Representative of the Estate of Jerry Stanley, Deceased v. Actavis Totowa, LLC, Actavis, Inc., Mylan, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Mylan Bertek Pharmaceuticals, Inc. and UDL Laboratories.*
December Term, 2008 Docket No: 4042
4. *Petra Moreno, Personal Representative of the Estate of Domingo Moreno, Deceased v. Actavis Totowa, LLC, Actavis, Inc., Mylan, Inc., Mylan Pharmaceuticals, Inc., Mylan Bertek Pharmaceuticals, Inc. and UDL Laboratories.*
December Term, 2008 Docket No: 4853

A. Revised scheduling Order for 2008 Cases

The revised scheduling order will proceed as follows:

1) Expert Discovery

a) Plaintiffs shall serve their specific and general causation expert reports no later than April 1, 2010.

b) Defendants shall serve their specific and general causation expert reports no later than May 1, 2010.

c) Plaintiffs shall serve their liability expert reports no later than June 15, 2010.

d) Defendants shall serve their liability expert reports no later than July 10, 2010.

e) No depositions of experts will be taken without leave of Court.

2) Filing of Dispositive and *Frye* Motions

a) All dispositive motions and *Frye* motions shall be filed and served by September 1, 2010.

b) All responses to dispositive motions and *Frye* motions shall be filed and served by September 20, 2010.

c) All replies to responses to dispositive motions and *Frye* motions shall be filed and served by October 1, 2010

d) A joint *Daubert/Frye* Hearing is scheduled to occur on October 13-14, 2010 in the United States District Court for the Southern District of West Virginia, in accordance with Amended Pre-Trial Order #

48 in the MDL as executed by Judge Goodwin.

3) Settlement Conference

a) A Mandatory Settlement Conference for the *Lopez* and *Parson* matters is scheduled for October 4, 2010 at 1:30 pm.

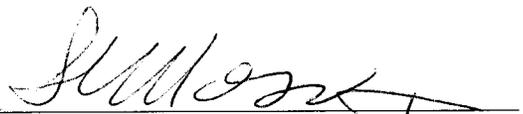
1) All pretrial submissions related to the *Lopez* and *Parson* matters are detailed within the Court's Pretrial Orders for the respective cases dated February 3, 2010.

b) A Mandatory Settlement Conference for the *Stanley* and *Moreno* matters will be scheduled by the Court after the aforementioned Settlement Conference.

4) Trial Schedule

a) The trial schedule for the 2008 cases is detailed in Case Management Order No. 8 and in the respective Pretrial Orders from the Court.

b) Jury selection will occur the Thursday before the trial start date for each of the 2008 cases.


HONORABLE SANDRA MAZER MOSS

Dated: 3/2, 2010