

JUL 30 2009

FIRST JUDICIAL DISTRICT OF PA
USER I.D. 2

IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

IN RE DIGITEK® LITIGATION

MARCH TERM, 2009

NO. 5166

THIS DOCUMENT APPLIES TO ALL CASES

DOCKETED
COMPLEX LIT CENTER

JUL 30 2009

CASE MANAGEMENT ORDER NO. 4
(REVISED CASE MANAGEMENT ORDER NO. 1)

J. STEWART

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. *Molly Bell, Personal Representative of the Estate of Dennis Bell, 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: 1354.
2. *Marie Parson, Personal Representative 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. *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
4. *Nita Hill, Personal Representative of the Estate of Marie Davis, 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: 2133

In Re: Digitek Litigation-CMOIS



09030516600016

b) A *Frye* hearing will be scheduled by this Court during the week of June 15, 2010.

4) Pretrial Conference

The Court will schedule a pretrial conference for September 2010 trial cases during the week of July 15, 2010.

a) A Pretrial Conference Memorandum for the entire litigation will be submitted fifteen (15) days prior to the initial Pretrial Conference.

b) Pretrial Conference Memoranda for the specific cases to be tried in the corresponding month of the Conference will be submitted (15) days prior to the specific Pretrial Conference.

5) Trial Ready

As noted above, the 2008 Cases will be trial ready by September 1, 2010. The schedule of cases to be tried will be agreed upon by the parties and to be detailed in a subsequent Case Management Order (Trial Scheduling Attachment Order).


HONORABLE SANDRA MAZER MOSS

Dated: July 29, 2009

C. Scheduling Order for 2008 Cases

The scheduling order will proceed as follows:

1) Fact Discovery

a) The parties shall complete all fact discovery, including but not limited to, all written discovery, and the depositions of Plaintiffs, Plaintiffs' Digitek[®]-prescribing physicians, physicians who treated Plaintiffs for alleged digoxin toxicity, and pharmacists who filled Plaintiffs' prescriptions for Digitek[®], by January 1, 2010.

b) The parties agree that any discovery motions for outstanding discovery timely served on or before the fact discovery deadline must be filed by January 15, 2010.

2) Expert Discovery

a) Plaintiffs shall serve their expert reports no later than March 1, 2010.

b) Defendants shall serve their expert reports no later than April 1, 2010.

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

3) Filing of Dispositive and *Frye* Motions

a) All dispositive motions and *Frye* motions shall be filed and served by May 15, 2010.

5. *Jerald Small, Personal Representative of the Estate of Lilla Small, 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: 3102
6. *Sharon Mosley, Personal Representative of the Estate of Jesse Robinson, Jr., 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: 2287
7. *Ron Randall, Personal Representative of the Estate of John Randall, 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: 3124
8. *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
9. *Tammy Bazil, Personal Representative of the Estate of Howard Bazil, Deceased v. Actavis Totowa, LLC, Actavis, Inc., Mylan, Inc., Mylan Pharmaceuticals, Inc., Mylan Bertek Pharmaceuticals, Inc. and UDL Laboratories.*
December Term, 2008 Docket No: 5155
10. *Sonia 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. The 2008 cases will be trial ready on September 1, 2010. The parties will agree on the order of the cases to be listed for trial in an effort to have all 2008 cases tried by the close of 2010, or as soon as practicable thereafter.

B. At the status conference before the Court in September 2009, the parties and the Court will determine a schedule to select the remaining groups, with the intent to make selections in a timely fashion and to allow enough time for discovery for each group as set forth in subsequent Case Management Orders.