

record involved in a Denture Adhesive Cream Litigation case filed in Philadelphia Court of Common Pleas, the pleading, motion, order or other document may be incorporated by reference, either orally before the Court, or within another properly filed pleading, motion, order, or other document. A pleading, motion, order or other document, when filed on this docket and copies are provided to all other interested counsel, shall be deemed filed and docketed in each individual case to the extent applicable. When filing documents relating to a particular case, the documents shall be filed under both the master file and the particular case.

II. CAPTION

2. All Orders, pleadings, motions and other documents served or filed in this Consolidated Action shall have the following caption:

IN RE: DENTURE ADHESIVE CREAM
LITIGATION

June Term, 2009

No. 4534

and state that "This Document Relates To All Actions" or, if it relates only to a specific action, state that "This Document Relates To: [Identify specific case]"

III. APPOINTMENT OF LIAISON AND LEAD COUNSEL

3. Thomas Kline and Lee Balefsky of Kline & Specter, P.C. and Eric Chaffin of Bernstein Liebhard LLP are appointed Co-Liaison Counsel to Plaintiffs in the Denture Adhesive Cream Litigation. Stephanie A. Smith and Laurie A. Weiss of Fulbright & Jaworski L.L.P. and Joseph E. O'Neil of Lavin, O'Neil, Ricci, Cedrone, & Disipio are appointed Lead Counsel for SmithKline Beecham Corporation d/b/a GlaxoSmithKline; GlaxoSmithKline Consumer Healthcare, L.P.; GlaxoSmithKline Consumer Healthcare L.L.C.; and Block Drug

Company, Inc. (collectively the "GSK Defendants"), and Frank C. Woodside, III of Dinsmore & Shohl LLP and Michael D. Brophy of the Philadelphia office of Goldberg Segalla LLP are appointed Lead Counsel for The Procter & Gamble Manufacturing Co. and The Procter & Gamble Distributing LLC (collectively the "P&G Defendants") in the Denture Adhesive Cream Litigation.

4. Plaintiffs' Liaison Counsel shall:
 - a) maintain and distribute to co-counsel and to defendants' lead counsel an up-to-date service list; and
 - b) receive and, as appropriate, distribute to co-counsel orders from the Court and documents from opposing parties and counsel.

5. No communications among Plaintiffs' Counsel or among Defendants' Counsel shall be taken as a waiver of any privilege or protection to which the parties would otherwise be entitled. This provision, however, does not in any way expand or create a protection or privilege that counsel do not otherwise already enjoy.

IV. STAY OF PROCEEDINGS

6. All Denture Adhesive Cream Cases are hereby stayed in all respects. Any plaintiffs counsel may protect the statute of limitations period for any claimant by filing a Writ of Summons. Defense counsel may enter their respective appearances in each case, but shall not serve a Rule to File a Complaint. There are to be no further pleadings, motions, or discovery proceedings, including but not limited to Preliminary Objections, Answers, Interrogatories, Requests for Production, Subpoenas, Notices of Deposition, or Requests for Medical Records, until further Order of this Court, as set forth below. To the extent there are any pending discovery requests, responses to such requests are stayed until further Order of this Court or unless otherwise previously agreed to among Lead Counsel and Liaison Counsel.

7. Further, the parties in these cases are directed to refrain from filing any potentially dispositive motions (i.e., Motions for Summary Judgment or Judgment on the Pleadings) until after the Master Long Form Complaint is filed.

V. PLEADINGS

A. MASTER LONG FORM COMPLAINT

8. The Parties agree to meet and confer before the filing of plaintiffs' Master Long Form Complaint to attempt to address any Pretrial Objections if possible by agreement.

9. On or before ninety (90) days from the entry of this Order, counsel for plaintiffs in pending Denture Adhesive Cream Cases shall confer and shall collectively file a Master Long Form Complaint ("Master Complaint"). The Master Complaint may be served on Lead Counsel for GSK and Lead Counsel for P&G, in accordance with the Pennsylvania Rules of Civil Procedure, before a response is required. The filing of the Master Complaint does not toll any applicable statute of limitations or repose as to any individual plaintiffs in any Denture Adhesive Cream Cases.

10. On or before twenty (20) days after service on Lead Counsel of the Master Complaint, each Defendant shall file either (a) a Master Answer or (b) a Master Set of Preliminary Objections to the Master Complaint.

11. All motions filed in the Denture Adhesive Cream Cases shall be in letter format pursuant to mass tort procedure.

12. Plaintiffs shall respond to any Preliminary Objections within twenty (20) days of service.

13. The Court will rule on the Master Preliminary Objections, and a hearing will be held upon application of a party. The Court's ruling on the Master Preliminary Objections will be binding on all current and future Denture Adhesive Cream Cases.

14. If Master Preliminary Objections are sustained to one or more counts in the Master Complaint for the Denture Adhesive Cream Cases, plaintiffs, if so ordered, shall file a conforming Amended Master Complaint within twenty (20) days of the Order sustaining the Master Preliminary Objections.

15. If Master Preliminary Objections are sustained to one or more counts in the Master Complaint, those counts shall be deemed stricken from any subsequently filed Short Form Complaint (see ¶¶ 21 & 29), and plaintiffs, if so ordered, shall file a conforming Short Form Complaint within twenty (20) days of the Order sustaining the Master Preliminary Objections.

16. Any Denture Adhesive Cream Case plaintiff who wishes to file a claim against a defendant not named in the Master Complaint must simultaneously serve a copy of this Order and the Master Long Form Complaint for the Denture Adhesive Cream Cases on any such defendant. Failure to do so will relieve a defendant not named in the Master Complaint for the Denture Adhesive Cream Cases of the obligation to answer or preliminarily object to the Master Complaint for the Denture Adhesive Cream Cases.

17. Subject to Paragraph No. 9 above, subsequently added defendants shall have the right to file a Master Answer or Master Preliminary Objections within twenty (20) days of service of a Short Form Complaint. Plaintiffs shall then have twenty (20) days after service to respond to the subsequently added defendant's Preliminary Objections.

18. In the event that an Amended Master Complaint is filed in the Denture Adhesive Cream Cases, defendants shall have twenty (20) days from filing of the Amended Master Complaint to file a responsive pleading; or, if no such Amended Master Complaint need

be filed, defendants shall have twenty (20) days from the Order determining Master Preliminary Objections to file a Master Answer for the Denture Adhesive Cream Cases.

19. If a New Matter is pleaded in the Denture Adhesive Cream Cases, such New Matter in the Denture Adhesive Cream Cases will be deemed denied and plaintiffs are not required to file any further responsive pleadings to defendants' New Matter in the Denture Adhesive Cream Cases.

B. PREVIOUSLY FILED CASES

20. The Master Complaint for the Denture Adhesive Cream Cases will substitute for and supersede all complaints filed in individual Denture Adhesive Cream Cases pending in the Philadelphia County Court of Common Pleas.

21. Within thirty (30) days of the filing of the Master Complaint, each plaintiff in a Denture Adhesive Cream Case shall file a Short Form Complaint, in a form to be agreed upon with defendant's counsel, using each action's original court term and number. The Short Form Complaint shall indicate those counts from the Master Complaint that are being asserted in the individual case.

22. All allegations in Short Form Complaints will be deemed denied, and defendants are not required to file answers to Short Form Complaints, unless any plaintiff alleges a cause of action not included in the Master Complaint, in which case defendant may file a preliminary objection to any such count or file an Amended Master Answer asserting affirmative defenses applicable to any such count not included in the Master Complaint within twenty (20) days of the filing of a Short Form Complaint containing any such count. An entry of appearance shall constitute a denial of all allegations in the Short Form Complaint and an assertion of all affirmative defenses asserted in the Master Answer.

23. Defendants will not file preliminary objections challenging claims as to which preliminary objections have previously been overruled.

24. Plaintiffs shall have twenty (20) days to file a response to any preliminary objections.

25. The Court will rule on the preliminary objections, and a hearing will be held upon application of a party.

26. If the Court's ruling on preliminary objections to a Short Form Complaint does not provide for the filing of an Amended Short Form Complaint, the remaining allegations of the Short Form Complaint shall be deemed denied and defendants are not required to file an answer.

27. If any of the Court's rulings permit a plaintiff to file an Amended Short Form Complaint, defendants may file a Short-Form Answer within twenty (20) days, but shall not be obligated to do so.

28. If no responsive pleading is filed, allegations in an Amended Short Form Complaint will be deemed denied.

C. NEWLY FILED CASES

29. All Denture Adhesive Cream Cases filed after the date of the filing of the Master Complaint shall be instituted by the filing of a Writ of Summons or a Short Form Complaint and service as required by the Pennsylvania Rules of Civil Procedure. If suit is instituted by a Writ of Summons, any named defendant may file a Rule to File a Complaint, which shall apply to the benefit of all named defendants.

30. Plaintiffs shall indicate in each Short Form Complaint those counts of the Master Complaint that are incorporated by reference.

31. Unrelated claimants shall be required to file separate complaints.

32. If additional causes of action are alleged in a Short Form Complaint, the specific facts supporting these allegations shall be pleaded in accordance with the Pennsylvania Rules of Civil Procedure, and the defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to the Short Form Complaint.

33. Defendants shall have twenty (20) days from the date of service of the Short Form Complaint or twenty (20) days from, the date of the Court's ruling on the Master Preliminary Objections, whichever is later, to file preliminary objections to each Short Form Complaint.

34. If no responsive pleading is filed, allegations in a Short Form Complaint shall be deemed denied. An entry of appearance shall constitute a denial of all allegations in a Short Form Complaint and an assertion of all affirmative defenses asserted in the Master Answer.

35. Defendants will not file preliminary objections challenging claims as to which Master Preliminary Objections have previously been overruled.

36. Plaintiffs shall have twenty (20) days from the date of service of preliminary objections to file a response.

37. A hearing will be scheduled upon application of a party and the Court will rule on the preliminary objections.

38. If the Court's ruling on preliminary objections to a Short Form Complaint does not provide for the filing of an Amended Short Form Complaint, the remaining allegations of the Short Form Complaint shall be deemed denied.

39. If any of the Court's rulings permit a plaintiff to file an Amended Short Form Complaint, defendants shall be afforded twenty (20) days after service of an Amended Short Form Complaint in which to file a responsive pleading.

40. If no responsive pleading is filed, allegations in an Amended Short Form Complaint will be deemed denied.

D. SERVICE OF PAPERS AND PLEADINGS ON LIAISON COUNSEL

41. All Master Pleadings, Master Discovery Requests and Responses, and Master Motions and Responses served under the Denture Adhesive Cream master caption shall be served on Liaison Counsel for Plaintiffs and Lead Counsel for GSK Defendants and P&G Defendants. Service on Plaintiffs Co-Liaison Counsel shall be deemed as service on all counsel for Plaintiffs, and Co-Liaison Counsel shall be responsible for disseminating to all co-counsel. The parties will make a single service of these documents to opposing Co-Liaison Counsel for Plaintiffs or Lead Counsel for GSK Defendants and Lead Counsel for P&G Defendants electronically in pdf or similar format, and may serve additional copies in paper form. Where a master pleading, master discovery request or response, or master motion or response contains more than 20 pages in attachments, the parties shall only be required to serve the exhibits once in paper form, on Eric Chaffin of Bernstein Liebhard for plaintiffs, on Stephanie A. Smith and Laurie A. Weiss of Fulbright & Jaworski L.L.P. for GSK Defendants and on Frank C. Woodside, III of Dinsmore & Shohl LLP for P&G Defendants. Other plaintiffs' counsel who are counsel of record for cases pending in these Denture Adhesive Cream Cases who would like copies of these documents are bound by the terms of the Protective Order to be entered by this Court and must make arrangements through plaintiffs' Liaison Counsel for the Denture Adhesive Cream Cases if they wish to obtain copies of these documents.

42. All documents served on Liaison or Lead Counsel shall be served in accordance with the Pennsylvania Rules of Civil Procedure and the Mass Tort Program and Complex Litigation Center rules.

43. All case specific documents shall be served on proper individual counsel in a manner consistent with the Pennsylvania Rules of Civil Procedure and the Mass Tort Program and Complex Litigation Center rules.

44. Issues relating to discovery will be addressed in a separate Order and this order does not in any way abrogate any agreed discovery stipulations that Liaison Counsel and Lead Counsel have previously reached.

BY THE COURT



Judge Sandra Mazer Moss

Date:

7/20/09