

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
TRIAL DIVISION-CIVIL

DOCKETED  
COMPLEX LIT CENTER

JUL 12 2011

J. STEWART

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IN RE: : September Term, 2009  
YAZ/YASMIN/OCELLA/GIANVI : No. 1307  
LITIGATION :  
: Control No. 11062073  
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:  
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In Re: Yaz/Yasmin/Ocell-ORDER



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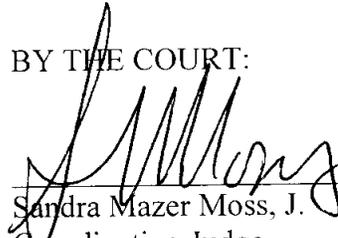
ORDER

AND NOW, this 11<sup>th</sup> day of July, 2011, upon consideration of Plaintiffs' Motion to Compel Disclosure of Documents Reviewed by Bayer Witnesses Prior to Giving Testimony, Defendant's answer, Plaintiffs' reply and Defendant's sur-reply thereto, and the parties having requested this Court adopt the Opinion entered by the Honorable David R. Herndon of the United States District Court of the Southern District of Illinois on the identical issue raised in the Federal Yasmin and Yaz Litigation, it is hereby **ORDERED** that counsel's selection of documents and materials for a witness to review prior to deposition is protected from disclosure under the work-product doctrine.

It is further ordered that Plaintiffs' counsel will be permitted to inquire of Bayer's witnesses the complete list of documents and materials the witness reviewed prior to and in preparation for the deposition. The complete list, if requested, will be produced no later than 72 hours before the start of the deposition and supplemented as needed up to the start of the deposition. However, Plaintiffs' counsel is not entitled to discover nor inquire of the witness which of the documents and materials were specifically designated by defense counsel or whether defense counsel specifically asked the witness to examine the material in preparation for the deposition.

Similarly, Plaintiffs' counsel is entitled to a complete list of documents and materials used to refresh a witness's memory in preparation for deposition. However, identification of the materials will be without distinction as to who chose the material for examination.

BY THE COURT:

A handwritten signature in black ink, appearing to read "S. Moss", is written over a horizontal line.

Sandra Mazer Moss, J.  
Coordinating Judge  
Complex Litigation Center