



**II. TEMPORARY STAY ON RESPONSIVE PLEADING OBLIGATIONS AND ON FILING DISPOSITIVE MOTIONS**

All responsive pleading obligations are stayed until such time as responsive pleadings are due under Section IV, below. The parties in these cases are directed to refrain from filing any potentially dispositive motions (*i.e.*, Motions for Summary Judgment, ~~Motion for Judgment~~ <sup>Venue</sup> motions or Judgment on the Pleadings) temporarily until further Order.

**III. APPOINTMENT OF LIAISON COUNSEL**

1. The following attorneys are hereby appointed as liaison counsel:

Plaintiffs' Liaison Counsel:

Michael M. Weinkowitz  
Levin Fishbein Sedran & Berman  
510 Walnut Street, Suite 500  
Philadelphia, PA 19106  
215-592-1500  
[mweinkowitz@lfsblaw.com](mailto:mweinkowitz@lfsblaw.com)

Daniel Galucci  
Roda Nast PC  
801 Estelle Drive  
Lancaster, PA 17601  
717-892-3000  
[dgallucci@rodanast.com](mailto:dgallucci@rodanast.com)

Laura Feldman  
Rosemary Pinto  
Feldman & Pinto  
1604 Locust Street, 2R  
Philadelphia, PA 19103  
215-546-9904  
[lfeldman@feldmanpinto.com](mailto:lfeldman@feldmanpinto.com)  
[rpinto@feldmanpinto.com](mailto:rpinto@feldmanpinto.com)

Defendants' Liaison Counsel:

Albert G. Bixler  
Eckert Seamans Cherin & Mellott, LLC  
Two Liberty Place  
50 South 16th Street, 22nd Floor  
Philadelphia, PA 19102  
[abixler@eckertseamans.com](mailto:abixler@eckertseamans.com)

2. Privileges Preserved. No communications among Plaintiffs' counsel or among Defendants' counsel shall be taken as a waiver of any privilege or protection to which they would otherwise be entitled.

3. Service of papers, other than original process, in the Coordinated Actions shall be made either by e-mail to counsel-of-record as provided in the pleadings or fact sheets, or first-class mail except where rule of Court specifies some other form of service. Service of original process such as writs of summons or complaints shall be made pursuant to applicable rules of court, statutes and treaties, unless otherwise agreed to by the Parties.

**IV. PLEADINGS**

**A. MASTER LONG FORM COMPLAINT**

1. Forty-five (45) days from the entry of this Order, counsel for Plaintiffs in pending Yaz®/Yasmin®/Ocella® cases shall confer and shall collectively file a *Master Long Form Complaint* ("*Master Complaint*"). The *Master Complaint* must be served on each Defendant, in accordance with applicable rules of court, statutes and treaties, before a response is required by that Defendant. The filing of the *Master Complaint* does not toll any applicable statute of limitations or repose as to any individual Plaintiff in any Yaz®/Yasmin®/Ocella® cases.

2. On or before sixty (60) days after valid service of the *Master Complaint* on a Defendant as described in paragraph IV.A.1, that Defendant shall file either (a) a *Master Answer* or (b) *Master Preliminary Objections* to the *Master Complaint*.

3. All *Motions* filed in the Yaz®/Yasmin®/Ocella® Cases shall be in letter format pursuant to Mass Tort procedure.

4. Plaintiffs shall respond to any *Master Preliminary Objections* within thirty (30) days of service.

5. The Court will rule on the *Master Preliminary Objections*, and whether a hearing thereon will be held is subject to the sole discretion of the Court. The Court's ruling on the *Master Preliminary Objections* will be binding on all current and future Yaz®/Yasmin®/Ocella® cases.

6. If *Master Preliminary Objections* are sustained to one or more counts in the *Master Complaint* for the Yaz®/Yasmin®/Ocella® cases, Plaintiffs, if so ordered, shall file a conforming *Amended Master Complaint* within thirty (30) days of the Order sustaining the *Master Preliminary Objections*.

7. 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 IV.B.2 below), and Plaintiffs, if so ordered, shall file a conforming *Short Form Complaint* within thirty (30) days of the Order sustaining the *Master Preliminary Objections*.

8. In the event that an *Amended Master Complaint* is filed in the Yaz®/Yasmin®/Ocella® cases, Defendants shall have thirty (30) days from the filing of the *Amended Master Complaint* to file a responsive pleading; or, if no such *Amended Master*

*Complaint* need be filed, Defendants shall have thirty (30) days from the Order determining *Master Preliminary Objections* to file a *Master Answer* for the Yaz®/Yasmin®/Ocella® cases.

9. If *New Matter* is pleaded in the *Master Answer*, such *New Matter* will be deemed denied and Plaintiffs are not required to file any further responsive pleadings to Defendants' *New Matter* asserted in the *Master Answer*.

## **B. PREVIOUSLY FILED CASES**

1. The *Master Complaint* for the Yaz®/Yasmin®/Ocella® cases will substitute and supersede all *Complaints* filed in individual Yaz®/Yasmin®/Ocella® cases pending in the Philadelphia County Court of Common Pleas. If any *Complaint* filed before the *Master Answer* asserts claims not asserted in the *Master Complaint*, those claims are deemed withdrawn with prejudice. In all respects, the *Master Complaint* controls over allegations contained in any previously filed *Complaint*.

2. Defendants shall have no obligation to answer any complaint filed before the *Master Complaint*.

3. Within thirty (30) days of the entry of this Order, each Plaintiff in a Yaz®/Yasmin®/Ocella® case shall file a *Short Form Complaint*, in a form to be agreed upon with Defendants' counsel, using each action's original court term and number. Plaintiffs shall indicate in each *Short Form Complaint* those counts of the *Master Complaint* that are incorporated by reference.

4. 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 Defendants may file a *Preliminary Objection* to any such count. 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*. An entry of appearance shall constitute a denial of all allegations in the *Short Form Complaint* for Yaz®/Yasmin®/Ocella® cases, and an assertion of all applicable new matters and affirmative defenses.

5. Defendants will not file *Preliminary Objections* challenging claims as to which *Preliminary Objections* have previously been overruled.

6. Plaintiffs shall have thirty (30) days from the date of service of *Preliminary Objections* to file a response.

7. The Court will rule on the *Preliminary Objections*, and whether a hearing thereon is scheduled is solely within the discretion of the Court.

8. 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.

9. If any of the Court's rulings permit a Plaintiff to file an *Amended Short Form Complaint*, Defendants shall be afforded thirty (30) days after service of the *Amended Short Form Complaint* in which to file a responsive pleading.

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

### **C. NEWLY FILED CASES**

1. All Yaz®/Yasmin®/Ocella® cases filed after the date of this Order shall be instituted by the filing of a *Writ for Summons* or a *Short Form Complaint*. 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.

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

3. 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*.

4. Defendants shall have thirty (30) days from the date of service of the *Short Form Complaint* or thirty (30) 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*.

5. 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 applicable affirmative defenses.

6. Defendants will not file *Preliminary Objections* challenging claims as to which *Master Preliminary Objections* have previously been overruled.

7. Plaintiffs shall have thirty (30) days from the date of service of *Preliminary Objections* to file a response.

8. The Court will rule on the *Preliminary Objections* and whether a hearing thereon is scheduled is solely in the discretion of the Court.

9. 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.

10. If any of the Court's rulings permit a plaintiff to file an *Amended Short Form Complaint*, Defendants shall be afforded thirty (30) days after service of an *Amended Short Form Complaint* in which to file a responsive pleading.

11. 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**

1. All Master Discovery Requests and Responses, and Master Motions and Responses served under the "Yaz®/Yasmin®/Ocella®" master caption shall be served on opposing liaison counsel.

2. Service on liaison counsel shall be deemed as service on all counsel, and liaison counsel shall be responsible for disseminating to all co-counsel. The parties will make a single service of these documents in paper copy form to opposing liaison counsel at their Philadelphia office, and will also serve these documents simultaneously to opposing liaison counsel electronically in PDF or similar format; 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, as described above. Other Plaintiffs' counsel who are counsel of record for cases pending in these Yaz®/Yasmin®/Ocella® 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 Yaz®/Yasmin®/Ocella® Cases if they wish to obtain copies of these documents. Nothing in this paragraph shall eliminate the need to make service of original process pursuant to applicable rules of court, statutes and treaties or to waive any Defendants' claims as to the propriety of service.

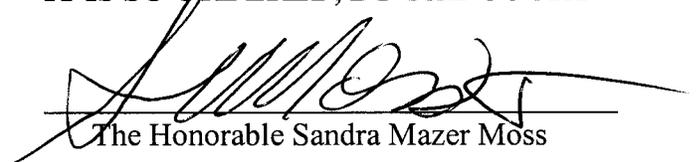
3. All documents served on liaison counsel shall be served at counsel's Philadelphia office in accordance with the Pennsylvania Rules of Civil Procedure and the Mass Tort Program and Complex Litigation Center rules.

4. 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.

**V. FURTHER ORDERS**

Liaison counsel shall meet and confer concerning the terms of a *Plaintiff's Fact Sheet*, a *Defendants' Fact Sheet*, and a *Protective Order* as well as deposition procedures and scheduling (including coordination with other Yaz®/Yasmin®/Ocella® litigation), pretrial proceedings and trial proceedings. The parties shall also meet and confer concerning further scheduling including a scheduling plan for fact and expert discovery. That plan shall provide for the depositions of all generic and case-specific experts.

**IT IS SO ORDERED, BY THE COURT**

  
The Honorable Sandra Mazer Moss