

IN RE

REGLAN®/METOCLOPRAMIDE  
LITIGATION

*This Document Relates to All Cases*

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

JANUARY TERM, 2010  
NO. 1997

DOCKETED  
COMPLEX LIT CENTER

JAN 11 2011

J. STEWART

CASE MANAGEMENT ORDER NO. 13

**GOVERNING ALL REGLAN®/METOCLOPRAMIDE CASES**

**TRIAL SELECTION PROTOCOL**

**Range of Cases:**

Any case where the Plaintiff Fact Sheet has been served to Defendants not later than December 24, 2010. If a Defendant is brought into a case within 90 days of the date the case is set for trial, that Defendant has a right to seek relief from the Court.

**Selection Protocol:**

1. On Tuesday, December 7, 2010, Plaintiffs submitted to Defendants their trial pool selections for the months of June, July and September 2011. Each month's pool will consist of 3 cases of a single law firm's choosing. For example, if LPM is designated as the "Plaintiff pick" law firm for June 2011; LPM selects 3 cases it would like to try. Those 3 cases are the June 2011 Plaintiff pick trial pool. Repeat the same process for July 2011 and September 2011 with different law firms (for a total of 3 groups of 3 cases each).

In Re: Reglan Litigation-ORDER



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**Plaintiff pick law firms are as follows:**

June 2011: Tracey Law Firm  
July 2011: Matthews & Associates  
September 2011: Laminack, Pirtle, & Martines, LLP

2. By January 14, 2011, Defendants will submit their trial pool selections for the months of June, July, and September 2011. Each month's pool will consist of 3 cases of a single Plaintiff firm's docket. For example, if LPM is designated as the "Defendant pick" law firm for June 2011; Defendants select 3 LPM cases they would like to try. Those 3 cases are the June 2011 Defendant pick trial pool. Repeat the same process for July 2011 and September 2011 with different Plaintiff firms (for a total of 3 groups of 3 cases each).

**Defendant pick law firms are as follows:**

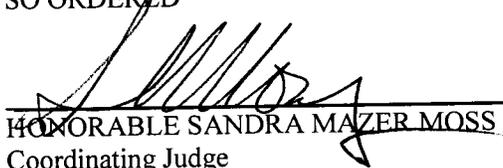
June 2011: Matthews & Associates

July 2011: Williams Kherkher Law Firm, LLP  
September 2011: either Moody Law Firm, Inc. or Carey, Danis & Lowe  
(Defendants' choice)

3. Core Discovery: Core discovery to be conducted after the selection of the trial pools. Core discovery would include depositions of the plaintiff(s), up to 2 healthcare providers and one case-specific deposition of Plaintiff's choosing (e.g., sales rep). Core discovery will be conducted on the Plaintiff picks. Core discovery on the Defendant picks may be conducted, unless Plaintiffs de-select early (see below), thereby allowing for full discovery to take place in the remaining case. Plaintiff's deposition may be taken a second time after core discovery, upon good cause shown.
4. The de-selection process:
  - a. Defendants will de-select 2 cases from each month's Plaintiff pick pool, leaving one case left to be tried in each month.
  - b. Plaintiffs will de-select 2 cases from each month's Defendant pick pool, leaving one case left to be tried in each month.
  - c. De-selection happens simultaneously, unless Plaintiffs de-select early. The de-selected cases then fall out of the trial pick pools.
  - d. De-selection should happen by February 15, 2011, with an extension, as a matter of Defendants' right, up to March 1, 2011.
5. Backups:
  - a. There will be 2 backups each month for each side (each month: 2 backups for the Plaintiff pick, 2 backups for the Defendant pick).
  - b. The backups are pulled from each Plaintiff's firm docket in FIFO order.
  - c. Core discovery will not be conducted on the backups; rather, these cases are open for full discovery and will be worked up for trial regardless.
6. If all of the cases (both parties' picks and backups) for the month are settled or dismissed – there will be no trial that month.

7. Spacing of Trials: Plaintiff trial pick to take place during the first half of the month; Defendant trial pick to take place during the second half of the month.

SO ORDERED

  
HONORABLE SANDRA MAZER MOSS  
Coordinating Judge  
Complex Litigation Center

Date: 1/11, 2011