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IN RE:

REGLAN®/METOCLOPRAMIDE  
LITIGATION

*This Document Relates to All Cases That Allege  
Claims Against Publishers of Drug Information*

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COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

JANUARY TERM, 2010

NO. 1997

DOCKETED  
COMPLEX LIT CENTER

APR 13 2011

J. STEWART

**CASE MANAGEMENT ORDER NO. 19**

**GOVERNING ALL REGLAN® / METOCLOPRAMIDE CASES  
THAT ALLEGE CLAIMS AGAINST PUBLISHERS OF DRUG INFORMATION**

**I. SCOPE OF THIS ORDER**

Pursuant to the Stipulation between PEM Plaintiffs and PEM Defendants<sup>1</sup> entered by the Court on March 1, 2011 (“Stipulation”), this Case Management Order (“CMO”) shall set forth a protocol for the parties to brief PEM Defendants’ Preliminary Objections to the PEM Plaintiffs’ Short Form Complaints (“PEM PO Protocol”). The PEM PO Protocol shall supersede any Preliminary Objections and responses previously filed with the Court. This CMO shall supersede any prior CMO entered in this coordinated litigation only with respect to claims against PEM Defendants.

**II. TEMPORARY STAY OF RESPONSIVE PLEADING OBLIGATIONS**

The Stipulation stayed the time requirements for the PEM Defendants to file responsive pleadings, including specifically Preliminary Objections, to any Short Form Complaints that allege claims against PEM Defendants (“PEM Short Form Complaint”), and PEM Plaintiffs’ responses thereto, including any Preliminary Objections and responses already filed with the Court pending establishment of this CMO. All Preliminary Objection pleading obligations shall continue to be stayed until such time as they are due pursuant to the schedule set forth below.

<sup>1</sup> For purposes of this CMO, the PEM Defendants are Cerner Multum, Inc., Cerner, Inc., First DataBank, Inc., Elsevier Inc., Gold Standard, Inc., Thomson Reuters (Healthcare), Inc., Wolters Kluwer Health, Inc. and Wolters Kluwer U.S. Corporation.

### **III. ANSWERS TO SHORT FORM COMPLAINTS**

Case Management Order No. 1 will continue to govern the procedure for a PEM Defendant to respond to a PEM Short Form Complaint, unless a PEM Defendant intends to assert Preliminary Objections to any PEM Short Form Complaint, in which case Section IV below shall govern.

### **IV. MASTER PRELIMINARY OBJECTIONS**

A. Within forty-five (45) days from the entry of this Order, PEM Defendants shall file Master Preliminary Objections asserting any challenges available under Rule 1028(a) of the Pennsylvania Rules of Civil procedure to any PEM Short Form Complaint.

B. The Master Preliminary Objections will be deemed applicable to any allegations or claims in a pending PEM Short Form Complaint or any identical allegations or claims made in a PEM Short Form Complaint filed in this coordinated action after the date of this CMO. The Court will not entertain and a PEM Plaintiff need not respond to any other Preliminary Objections filed by a PEM Defendant, except as to: (i) any Amended PEM Short Form Complaint(s) filed in response to the Master Preliminary Objections; or (ii) any PEM Short Form Complaint filed after the date of this CMO that makes allegations or claims that differ materially from those made in currently pending PEM Short Form Complaints.

C. PEM Defendants shall collectively present, in a single brief, any Rule 1028(a) challenges asserted by multiple PEM Defendants based on similar arguments regarding PEM Plaintiffs' allegations or the law applicable thereto. A PEM Defendant asserting a challenge under Rule 1028(a) based on allegations or applicable law unique to that PEM Defendant may separately file a single brief as to those unique challenges.

D. Any PEM Defendant intending to challenge the Court's jurisdiction in Master Preliminary Objections shall provide any PEM Plaintiff's counsel that filed a Short Form Complaint subject to jurisdictional challenge with written Notice of Intent to Challenge Jurisdiction within thirty (30) days after entry of this Order. The Notice of Intent to Challenge Jurisdiction shall include a brief summary of the basis for the jurisdictional challenge. Upon receipt of the Notice of Intent to Challenge Jurisdiction, a PEM Plaintiff with claims subject to a jurisdictional challenge will have sixty (60) days after receipt of the Notice of Intent to conduct limited discovery directed at the jurisdictional issues raised by the PEM Defendant that served the Notice of Intent.

#### **IV. RESPONSES TO MASTER PRELIMINARY OBJECTIONS**

A. Within forty-five (45) days after service of Master Preliminary Objections, PEM Plaintiffs shall file Master Responses to Master Preliminary Objections.

B. PEM Plaintiffs shall collectively present, in a single brief, responses to any Master Preliminary Objections, except with respect to any response that is unique to a particular PEM Plaintiff or group of PEM Plaintiffs, which may be filed separately in a single brief.

#### **V. REPLIES**

Any Replies in support of Master Preliminary Objections shall be filed within ten (10) business days of service of the Responses.

#### **VI. MASTER DISCOVERY**

Master Discovery shall not be stayed by virtue of this PEM PO Protocol.

**VII. FORM OF PAPERS**

All Master PEM Preliminary Objections and any Responses or Replies relating thereto shall be in letter format pursuant to mass tort motion procedure.

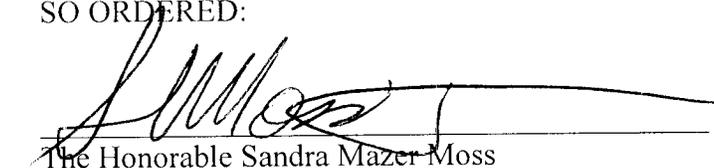
**VIII. DISPOSITION OF MASTER PRELIMINARY OBJECTIONS**

A. The Court's ruling on a Master Preliminary Objections will be binding as to all current and future claims made against PEM Defendants in Reglan® / metoclopramide cases pending before the Court.

B. If Master Preliminary Objections are sustained and leave of Court is granted, an effected PEM Plaintiff may file a conforming Amended Short Form Complaint within twenty (20) days of the Order sustaining the Master Preliminary Objections. No Short Form Complaint that asserts claims against a PEM Defendant may be amended after the date of this Order without leave of the Court.

C. If Master Preliminary Objections are denied, the provisions of Case Management Order No. 1 shall govern a PEM Defendant's responsibility to Answer.

SO ORDERED:

  
The Honorable Sandra Mazer Moss  
Coordinating Judge  
Complex Litigation Center

Date: April , 2011

4/13/11