

FILED

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In re: ACCUTANE LITIGATION : SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: ATLANTIC COUNTY
:
(This Order applies to all actions.) : Civil Action
:
:
: Case No.271
:
: **CASE MANAGEMENT ORDER No. 4**
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THIS COURT, having conducted a Case Management Conference on January 5, 2006, and all parties having been represented by Counsel, and for good cause shown,

IT IS on this 16th day of Feb, 2006,

ORDERED that this Case Management Order ("CMO") No. 4 shall amend prior CMOs to the extent inconsistent therewith, and it is further:

ORDERED as follows:

1. Clinical Trial Data

The parties shall meet and confer regarding the existence, maintenance and production of available electronic data and databases related to clinical trials involving Accutane. The parties shall meet and confer by January 20, 2006. Once the meet and confer has taken place, the court will conduct a telephonic conference with the parties.

2. Inadvertently Produced Privileged Documents

If Plaintiffs wish to challenge Defendants' assertion of privilege in connection with inadvertently produced documents, they shall submit supporting briefs by January 13, 2006.

3. Team Minutes

Plaintiffs are to provide a list of the six or seven teams by name and indicate who Plaintiffs understand were members of the teams. Defendants shall inquire as to whether there is a central repository for such team minutes (whether maintained by an individual team member or their staff/assistant/designee).

4. Use of Documents at Depositions

At the conclusion of the deposition of a corporate witness, Plaintiffs, upon request, shall identify the source of any non-bates numbered documents used at the deposition. If Plaintiffs believe that the identity of the source of any non-bates numbered documents used at deposition should be protected, Plaintiffs may move for a protective order without first identifying the source of any such documents. Documents should be produced in hard copy at the depositions. If Plaintiffs intend to use electronic documents at deposition in lieu of bringing hard copies, a disc containing the documents must be produced in advance of the deposition.

5. George Abercrombie Deposition

The parties shall apprise the Court of the date of Mr. Abercrombie's deposition. The parties may contact the court by telephone on the day of the deposition to resolve any issues that arise during the deposition.


6. Case Grids

Prior to the next case management conference, Plaintiffs shall provide data to the Court regarding each plaintiff for the case grid agreed upon by the parties and submitted to the Court at

the January 5, 2006 Case Management Conference. The completed grid shall be placed on the mass tort website.

7. CLEAR/RETRIEVE

The Plaintiffs' Information Technology consultant shall be permitted to go to Defendants' Counsel's offices in Newark or New York to review the CLEAR/RETRIEVE database and extract Accutane information.


Honorable Carol E. Higbee, P.J.Cv.