

FILED

MAR 12 2013

Carol E. Higbee, P.J.C.

IN RE: REGLAN LITIGATION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY

CASE NO.: 289
Civil Action

MASTER DOCKET: ATL-L-3865-10CT

John Castiello v. Wyeth, et al.
John Joyce v. Wyeth, et al.
Barbara Gregg v. Wyeth, et al.
Paul Almos v. Wyeth, et al.
Vanessa Cargo v. Wyeth, et al.
Willie Nell Davis v. Wyeth, et al.
Elizabeth Owens v. Wyeth, et al.
Sydney Powell v. Wyeth, et al.
Karen Tench v. Wyeth, et al.
William Bolden v. Wyeth, et al.
Linda Goldberg v. Wyeth, et al.
Zenester Govan v. Wyeth, et al.
Nikki Karnes-Johnson v. Wyeth, et al.
Joyce Kilen v. Wyeth, et al.
Lynne Pariseau v. Wyeth, et al.
Michelle Schwartz v. Wyeth, et al.
Martha Slane v. Wyeth, et al.

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Docket No. ATL-L-~~4860~~-10
Docket No. ATL-L-7794-11
Docket No. ATL-L-1915-11
Docket No. ATL-L-1228-11
Docket No. ATL-L-1261-11 ✓
Docket No. ATL-L-4155-10
Docket No. ATL-L-1292-11 ✓
Docket No. ATL-L-1303-11 ✓
Docket No. ATL-L-2065-11 ✓
Docket No. ATL-L-1952-11 ✓
Docket No. ATL-L-6168-10
Docket No. ATL-L-1931-11
Docket No. ATL-L-2046-11 ✓
Docket No. ATL-L-4748-10 ✓
Docket No. ATL-L-1777-11
Docket No. ATL-L-1876-11
Docket No. ATL-L-1991-11

CASE MANAGEMENT ORDER NO. 21

The Court having advised the parties of its intention to create a pool of cases in which to begin case specific discovery; on February 21, 2013, counsel for plaintiffs and defendants met and conferred regarding a schedule for initial and limited case specific discovery in the above-referenced cases. Subject to and without waiver of any of the objections raised by counsel for the Parties, and for good cause shown,

IT IS on this 12 day of March, 2013 **ORDERED** as follows:

1. Plaintiffs have one (2) weeks to return all outstanding authorizations. To the extent not already begun, the parties will begin collecting medical records in the above cases immediately.

2. Phase I discovery will begin no sooner than April 15, 2013 and run until July 15, 2013. Phase I discovery shall consist of at a minimum the depositions of plaintiffs. In addition, defendants may opt during Phase I to depose (a) plaintiffs' spouses and other family fact witnesses; and (b) one prescribing physician in each of no more than six (6) cases. The parties also agree that to the extent any product identification discovery is necessary in a given case; it will also be conducted during Phase I and before the deposition of plaintiff in that case.

3. Both the Brand Defendants, in correspondence to the Court dated January 18, 2013 and January 31, 2013, and PLIVA, in correspondence to the Court dated January 17, 2013 and January 31, 2013, raised objections to discovery proceeding in these cases at this time based on issues including but not limited to, a lack of product identification, the presence of generic product usage other than PLIVA product, and the pendency of various dispositive motions. Defendants have not waived any of their objections and contend that medical record collection, Phase I discovery, and rulings on the pending motions may impact the viability of some of the above cases continuing in core discovery. Therefore, if at any time, any of the parties named in the above cases believe a case is no longer an appropriate candidate for inclusion in the core discovery pool, they will first meet and confer with all counsel on the issue. If the parties cannot agree that a case should be removed from the core discovery pool; as soon as possible, the party seeking removal of the case shall notify the Court in writing of the issue and seek a ruling regarding continued discovery.

4. Within one (1) week of the completion of Phase I discovery, the parties will meet and confer to reduce the pool of core discovery cases down to no more than eight (8) cases which will proceed to Phase II discovery. Phase II discovery will run until November 1, 2013 and shall consist of all remaining fact discovery. The procedure by which the Phase II discovery cases will be selected has not yet been resolved and will be addressed at a future Status Conference.

5. Following the completion of Phase II discovery, no more than four (4) cases will be selected as potential bellwether trial cases. By November 12, 2013, Plaintiffs and Defendants will each submit to the Court summaries of the eight (8) Phase II cases, including the reasons why or why not each case would be appropriate for selection as a potential bellwether trial case. The expert discovery and pre-trial schedule will be addressed by the Court following selection of the potential bellwether trial cases.

6. All of the above discovery deadlines can be modified by agreement of the parties.


HON. CAROL E. HIGBEE, P.J.Cv