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FILED

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Carol E. Higbee, P.J.Cv.

In re: ACCUTANE LITIGATION	: SUPERIOR COURT OF NEW JERSEY : LAW DIVISION : ATLANTIC COUNTY : : Civil Action : : Case No. 271 : : **AMENDED** : **CASE MANAGEMENT ORDER No. 14** :

THIS COURT, having conducted a Case Management Conference on September 13, 2007, and having directed the parties to submit a trial schedule for the following matters: Reynolds v. Hoffmann-La Roche Inc. et al., Docket No. ATL-L-2644-03, Beard v. Hoffmann-La Roche Inc. et al., Docket No. ATL-L-2645-03, Wagner v. Hoffmann-La Roche Inc. et al., Docket No. ATL-L-3259-04 and Kendall v. Hoffmann-La Roche Inc. et al., Docket No. ATL-L-8213-05 and for good cause shown,

IT IS on this 30 day of Nov, 2007

ORDERED that the trial schedule shall be as follows:

I. Trial Date: Jury selection shall commence on January 22, 2008 as to Kendall and Reynolds. The Court will advise the parties on or before November 1, 2007 which case or cases will commence on that date.

II. Discovery of Treating Physicians, Prescribing Physicians, Family Members, Friends and Employers, and Updated Depositions of Plaintiffs: All such discovery shall be completed by November 1, 2007. For Reynolds and Beard, Plaintiff Beard will be produced for a two-hour supplemental deposition on November 9 at the offices of her counsel in Pensacola, Florida, and Plaintiff Reynolds will be produced for a two-hour supplemental deposition on November 9 at the offices of her counsel in Pensacola, Florida. In Beard and Reynolds, the November 1 deadline shall apply to updated depositions of any other witnesses to be agreed upon by the parties.

III. De Bene Esse Depositions: The parties shall exchange lists of witnesses they intend to take de bene esse depositions of in all four cases no later than November 6, 2007. All such depositions shall be completed on or before December 21, 2007.

IV. Expert Disclosures and Depositions in Reynolds and Kendall :

A. Plaintiffs shall serve expert disclosures and reports no later than November 6, 2007. Plaintiffs' experts' depositions shall be completed no later than November 26, 2007.

B. Defendants shall serve expert disclosures and reports no later than November 27. 2007. Defendants' experts' depositions shall be completed no later than December 14, 2007.

C. To expedite this schedule, the parties shall provide dates for the depositions of their experts upon service of each expert's disclosure/report.

V. Trial Witness Lists:

A. On or before November 30, 2007, Plaintiffs shall serve a single list consisting of no more than fifteen (15) witnesses whose testimony may be applicable to the two cases (e.g., disclosed experts, or current/ former employees of Defendants) ("General Witness List"). The "General Witness List" shall also indicate if the witness will offer case-specific testimony in additional to general testimony and identify the case in which the witness will do so. Each Plaintiff shall also serve, for each case, a case specific list consisting of not more than eight (8) witnesses (e.g., case specific experts, plaintiffs, spouses, family, physicians, employers and friends) ("Case Specific Witness List"). A witness (e.g., an expert) that is already listed on the general witness list need not be re-listed on the Case Specific Exhibit List. Each list should indicate whether the witnesses will be called live or by deposition.

B. On or before December 7, 2007, Defendants shall serve a single list consisting of no more than fifteen (15) witnesses whose testimony may be applicable to all four cases (e.g., disclosed experts, or current and former employees of Defendants) ("General Witness List"). The "General Witness List" shall also indicate if the witness will offer case-specific testimony in additional to general testimony, and identify the case in which the witness will do so. Defendants shall also serve a case specific list consisting of not more than eight (8) witnesses (e.g., case specific experts, plaintiffs, spouses, family, physicians, employers and friends) ("Case Specific Witness List") for each case. A witness (e.g., an expert) that is already listed on the general witness list need not be re-listed on the Case Specific Exhibit List. Each list should indicate whether the witnesses will be called live or by deposition.

VI. Trial Exhibit Lists:

A. On or before December 7, 2007, Plaintiffs shall serve the following exhibit lists:

1. A single list, to be applicable to both cases, containing a maximum of one hundred (100) individual documents (not categories of documents), other

than learned treatises or Plaintiff's medical, educational and employment records.

2. A single list of learned treatises, including any textbooks, documents, articles, medical or scientific literature, and studies, that Plaintiffs intend to use on either direct examination or cross-examination.

3. A case specific list of medical, educational and employment records for each Plaintiff.

B. On or before December 14, 2007, Defendants shall serve the following exhibit lists:

1. A single list, to be applicable to all four cases, containing a maximum of one hundred (100) individual documents (not categories of documents), other than learned treatises or Plaintiff's medical, educational and employment records.

2. A single list of learned treatises, including any textbooks, documents, articles, medical or scientific literature, and studies, that Defendants intend to use on either direct examination or cross-examination.

3. A case specific list of medical, educational and employment records for each Plaintiff.

VII. Deposition Designations: On or before December 21, 2007, Plaintiffs shall serve their affirmative deposition designations (limited to their witness lists) for actual use at trial in each case. On or before January 4, 2008, Defendants shall serve their counter-designations to Plaintiffs' affirmative depositions designations, as well as Defendants' affirmative deposition designations (limited to their witness lists) for actual use at trial On or before January 9, 2008, Plaintiffs shall serve their counter-designations to Defendants' affirmative deposition designations.

VIII. Dispositive Motions and Kemp Motions: Dispositive motions and Kemp motions to preclude expert testimony shall be filed on or before December 14, 2007. Opposition papers shall be filed on or before January 2, 2008. Reply papers shall be filed on or before January 7, 2008.

IX. In Limine Motions: Motions (other than Kemp motions) directed at the admissibility of evidence shall be filed by December 14, 2007. Opposition papers shall be filed by January 4, 2008. The parties reserve the right to address the scope of such filings with the Court at the November 1, 2007 Case Management Conference.

X. Juror Questionnaire: On or before December 21, 2007, Defendants shall serve their proposed juror questionnaire. Plaintiffs shall provide proposed changes, additions or deletions by December 31, 2007. The parties shall meet and confer on or before January

4, 2008. Any outstanding disputes as to the contents of the juror questionnaire will be heard by the Court on January 7, 2008.

XI. Final Pre-Trial: Oral arguments on all dispositive, in limine and Kemp motions and objections to witness lists, exhibit lists and deposition designations shall be heard during the week of January 7, 2008. Any Lopez hearings, if applicable, shall be held during the week of January 7, 2008. A Rule 104 evidentiary hearing on the admissibility of expert testimony may be scheduled at the Court's discretion prior to the commencement of trial.

XII. Preparation of Courtroom: On January 17 and 18, 2008, Plaintiff and Defendants, and their respective agents, shall have access to the courtroom for trial preparation purposes.

XIII. Trial:

A. Time Limits: The plaintiffs shall have thirty-six (36) hours and defendants shall have thirty-four (34) hours maximum for testimony, excluding openings and closings.

B. Witness Identification: Parties shall identify witnesses they intend to call no less than 36 hours in advance (e.g., by 5 pm on Monday, all witnesses to be called on Wednesday).

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