GIBBONS, DEL DEO, DOLAN,
GRIFFINGER & VECCHIONE
A Professional Corporation
One Riverfront Plaza
Newark, New Jersey 07102
(973) 596-4500
Attorney for Defendants Hoffmann-La Roche Inc.
and Roche Laboratories Inc.

FILED

AUG 25 2006

Carol E. Higbee, P.J.Cv.

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. 8**
	:

THIS COURT, having conducted a Case Management Conference on July 20, 2006, and all parties having been represented by Counsel, and for good cause shown,

IT IS on this 25 day of Aug, 2006, ordered as follows:

I. Discovery and Scheduling in *McCarrell, Fields, Reynolds and Beard* Only

A. Revised Deadlines and Trial Date

1. Fact Discovery: Fact discovery shall be completed by October 5, 2006.

2. Expert Disclosures: Plaintiffs shall serve expert reports on or before November 6, 2006. Defendants shall serve expert reports on or before December 22, 2006.

3. Expert Depositions: Expert depositions shall take place between January 2, 2007 and February 15, 2007. To expedite this schedule, the parties can begin scheduling the deposition of an expert as soon as that expert's report is served.

4. Witness Lists, Exhibit Lists and Dispositive Motions: The parties shall exchange witness lists and exhibit lists on or before February 28, 2007. Dispositive motions should be filed as soon as possible following exchange of expert reports and no later than February 28, 2007.

5. In Limine Motions: Motions directed at the admissibility of evidence should be filed by March 15, 2007.

6. Trial Date: The trial of the first case shall commence on April 2, 2007.

B. Depositions of Sales Representatives

Plaintiffs may depose a total of five sales representatives, which shall include John Allred, Elizabeth Gibans, David Watt and two additional sales representatives of Plaintiffs' choosing. Plaintiffs are to advise Defendants which additional two sales representatives they seek to depose. After completing those five depositions, the parties shall set up a conference call with the Court to discuss whether additional depositions of sales representatives are warranted.

C. Updated Depositions of Plaintiffs

Defendants shall be entitled to take a continued deposition of each of the Plaintiffs in *McCarrell*, *Fields*, *Reynolds* and *Beard*. The deposition will not be limited in scope, but shall be limited to three hours of actual testimony time. These depositions shall be conducted at a location in the Plaintiffs' state of residence or at their attorney's office in New Jersey.

II. Discovery in Cases Other Than *McCarrell, Fields, Reynolds and Beard*

A. Request for Authorizations

In cases other than *McCarrell*, *Fields*, *Reynolds* and *Beard*, Defendants may send authorizations to plaintiffs for execution every thirty days. In *McCarrell*, *Fields*, *Reynolds* and *Beard*, Defendants can send authorizations as necessary without waiting thirty days.

III. General Discovery Matters

A. Defendants' Motion Regarding Source of Documents

Defendants' Motion to Compel Compliance With Court Order Or For Sanctions is denied.

B. Applicability of Existing CMOs to Swiss Defendant

Plaintiffs shall review the CMOs entered prior to the entry of the Swiss Defendant in this matter and identify any CMO items they claim require further response or compliance from the Swiss Defendant. The Swiss Defendant shall respond by indicating whether it has additional information or not in response to those items,

whether such materials have been produced by them or not, and whether such materials have already been produced by the US Defendants.

C. Certification Regarding Epidemiology Study Data

The parties shall meet and confer by August 15, 2006 regarding CMO 6, which was inadvertently entered before finalization by the parties, and the form of certification by a corporate witness regarding data from epidemiology studies. If the parties are unable to reach a resolution, the parties may request an immediate telephone conference with the Court.

D. Disposition of Duplicative Electronic Media

The parties shall meet and confer by August 15, 2006 regarding the disposition of electronic media temporarily maintained during discussions regarding further preservation efforts. If the parties are unable to reach a resolution, the parties may request an immediate telephone conference with the Court.

E. Next Cases for Work Up

On or before September 1, 2006, the parties shall meet and confer to identify and inform the court of the next 30-50 cases to schedule for work up (i.e., completion of record collection and depositions of plaintiff, prescribing dermatologist, principal treating doctor and applicable sales representative, if any).

IV. Case Management Conference

The case management conference scheduled for August 10, 2006 is cancelled. The next case management conference shall take place on October 12, 2006 at 10:00 am.

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