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SUPERIOR COURT BERGEN COUNTY
FILED

AUG 30 2004

**CHARLES J. WALSH
J.S.C.**

AUG 8 0 2004

**IN RE: DIET DRUG LITIGATION
VENUED IN BERGEN COUNTY**

~~SUPERIOR COURT~~ SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L-7718-03 MT
CASE CODE 240

APPLICABLE TO ALL CASES

**CONSENT ORDER SUPPLEMENTING
CASE MANAGEMENT ORDER NO. 4**

THIS MATTER having been opened to the Court by counsel for plaintiffs and the Wyeth defendants, and the Wyeth defendants having requested that this Order be entered to supplement Paragraphs 21 and 22 of Case Management Order No. 4 entered April 27, 2004, and counsel for plaintiffs and the Wyeth defendants having agreed to the form and entry of this Order, and good cause having been shown,

IT IS on this *30th* day of *August*, 2004, OR

NON-PARTY WITNESS DEPO

*Entered
on
ACMS*

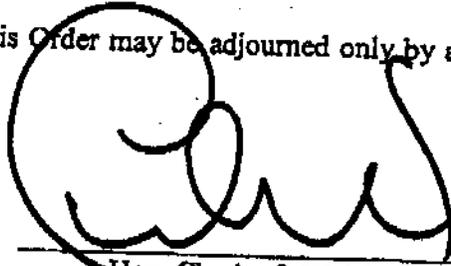
1. If a party seeking to schedule the deposition obtains agreeable dates for the deposition from the witness, counsel e dates to opposing counsel, who shall respond within three business days. If opposing counsel objects to all dates provided by the witness and/or counsel are unable to agree to schedule the deposition on one of the dates provided by the witness within three business days, opposing counsel shall at that time provide proposed deposition dates that are no later than 14 days after the latest date

provided by the witness. If the witness is not available on any of the agreeable dates proposed by opposing counsel, the parties shall schedule the deposition on the earliest date on which the witness is available or, if the witness is uncooperative, the earliest date agreed to by counsel.

2. If opposing counsel does not respond to the requesting party concerning agreeable deposition dates provided by the witness within three business days as required by paragraph 1 above, the requesting party may select a date and schedule the deposition.

3. If a party seeking to schedule a non-party fact witness deposition is not able to obtain agreeable dates from a witness, counsel for that party may propose deposition dates to opposing counsel and opposing counsel shall respond within three business days. If opposing counsel objects to all proposed dates and/or counsel are unable to agree to schedule the deposition on one of the proposed dates within three business days, opposing counsel shall at that time provide acceptable deposition dates that are no later than 14 days after the latest proposed date. If opposing counsel fails to do so within three business days, the requesting party may unilaterally select a date and schedule the deposition.

4. A deposition scheduled pursuant to this Order may be adjourned only by agreement of counsel or approval of the Court.



Hon. Charles J. Walsh, J.S.C.