

SUPERIOR COURT BERGEN COUNTY

FILED

DEC 09 2004

Jon Goodman
DEPUTY CLERK

IN RE: DIET DRUG LITIGATION
VENUED IN BERGEN COUNTY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
CASE CODE 240

CURRY, RHONDA
FLYNN, WANDA
JOLIN-WANTY, REBECCA
ROBINSON, LOREEN
TORRENCE, BETTY

DOCKET NO. BER-L-2553-04 MT
DOCKET NO. BER-L-2556-04 MT
DOCKET NO. BER-L-5668-03 MT
DOCKET NO. BER-L-2566-04 MT
DOCKET NO. BER-L-2570-04 MT

COSNER, VICTORIA (surgery case)
ULIBARRI-WILLIAMS, ROSE (surgery case)

DOCKET NO. BER-L-7029-03 MT
DOCKET NO. BER-L-7144-03 MT

TRIAL GROUP 1A CASES

**SUPPLEMENTAL PRETRIAL ORDER
FOR TRIAL GROUP 1A CASES**

THESE MATTERS having come before the Court for multiple case management conferences, and counsel for plaintiffs and Wyeth having appeared and participated in a pretrial conference on November 9, 2004, and having agreed to the form and entry of this Order supplementing the Pretrial Order For Trial List Cases entered August 31, 2004, and good cause having been shown;

IT IS on this 3rd day of December, 2004, ORDERED AS FOLLOWS:

1. Exhibits All proposed trial exhibits shall be pre-marked for identification. Exhibits that relate only to one plaintiff shall be marked with color-coded exhibit markers so that that all exhibits relating to a particular plaintiff bear color-coded exhibit markers unique to that plaintiff.

2. Jury Questionnaires The parties shall submit a joint proposed jury questionnaire or, if unable to reach agreement, separate proposed jury questionnaires by December 13, 2004. The jury questionnaire, as approved by the Court, shall be distributed to the initial prospective

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jurors and all subsequent prospective jurors as necessary. Upon completion, the questionnaires will be provided to counsel who shall make copies of the questionnaires and distribute them to all parties and the Court. Upon distribution of the copies, counsel will have a minimum of two hours to review the questionnaires before jury selection begins. The Court will consider providing the parties an opportunity to review the responses to the questionnaires overnight.

3. Peremptory Challenges In the valve surgery cases to be tried before Judge Robert C. Wilson, J.S.C., plaintiffs' shall jointly have 12 peremptory challenges and Wyeth shall have 12 peremptory challenges. In the non-surgery cases to be tried before this Court, plaintiffs' shall jointly have 15 peremptory challenges and Wyeth shall have 15 peremptory challenges.

4. Jurors The jury will consist of ten jurors, of whom six will deliberate and four will serve as alternates.

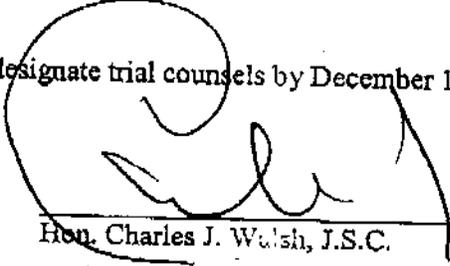
5. Juror Notebooks By December 17, 2004, the parties shall meet and attempt to agree on the content of juror notebooks. In the event that the parties cannot agree to the form and contents of the juror notebooks, each party shall submit separate proposed juror notebooks by December 17, 2004.

6. Opening Statements Opening statements shall be limited to ⁷⁵~~45-60, 90~~ minutes.

7. Expert Witnesses Plaintiffs and defendants shall each designate one lead attorney to conduct cross-examination of general causation and/or general liability experts. The parties need not designate the same attorney to cross examine all such experts. To the extent that a general causation and/or general liability expert testifies based on facts applicable to a specific plaintiff's case, then the attorney representing that plaintiff shall also be permitted to conduct cross examination as to these specific facts.

8. Jury Charges Separate proposed jury charges are to be submitted to the Court by December 17, 2004.

9. Trial Counsels The parties shall designate trial counsels by December 17, 2004.



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