

IN RE: DIET DRUG LITIGATION
VENUED IN BERGEN COUNTY

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
MASTER DOCKET NO. BER-L-13379-04 MT

ELLIS, FAIRY L.
GALLOWAY, LEE
MACLEOD, CHARLES
STEVENS, DALE

DOCKET NO. BER-L-6016-04 MT
DOCKET NO. BER-L-6015-04 MT
DOCKET NO. BER-L-6006-04 MT
DOCKET NO. BER-L-6013-04 MT

PRETRIAL ORDER

IT IS on this *19th* day of *October* 2005, ORDERED as follows:

1. The above-captioned plaintiffs shall be trial-ready by May 1, 2006.
2. For purposes of discovery, the following discovery plan will apply:

Discovery Completion

3. Fact discovery shall commence on October 10, 2005, and may continue through the period of expert discovery. The parties shall endeavor to complete fact discovery sufficiently in advance of expert depositions such that only a single deposition of each expert will be necessary. Completion of discovery includes supplementation as required under R. 4:17-7. The parties are hereby ordered to supplement their discovery responses as required under R. 4:17-7.

Expert Reports

4. Plaintiff's expert reports, CVs and fee schedules shall be submitted by February 13, 2006. Plaintiff's expert reports may be supplemented without prejudice, but only as to opinions based upon discovery materials or depositions that are produced or taken on or after February 8, 2006.

SUPERIOR COURT BERGEN COUNTY

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DEPUTY CLERK

5. Defendant's expert reports, CVs and fee schedules shall be submitted by March 13, 2006. Defendant's expert reports may be supplemented without prejudice, but only as to opinions based upon discovery materials or depositions that are produced or taken on or after March 8, 2006.

Expert Witness Depositions

6. Expert depositions shall be concluded by March 29, 2006.

Exhibit, Witness and Deposition Designations

7. The parties shall serve no later than April 5, 2006, their witness list, exhibit list, and page/line designations for all depositions that they intend to introduce affirmatively at trial. The witness list shall specify whether the witnesses will be produced live or through deposition testimony. All exhibits shall be available to the opposing party for inspection and copying on or before April 10, 2006, upon written request.

8. All proposed trial exhibits shall be pre-marked for identification.

9. The parties shall serve no later than April 19, 2006, objections, counter-designations and rebuttal designations to designations served in accordance with paragraph 7, and rebuttal exhibits and witnesses.

10. The Court shall conduct a hearing prior to trial to consider unresolved objections to deposition testimony designations.

Dispositive and Non-Dispositive Pretrial Motions

11. The parties shall serve all motions, including dispositive motions, motions directed to the admissibility of expert evidence, and evidentiary *in limine* motions, no later than April 3, 2006.

12. The parties shall serve oppositions to such motions no later than April 10, 2006.

13. The parties shall file and serve replies to such motions no later than April 17, 2006.

14. The Court shall hold hearings on such motions on April 27 and 28, 2006.

Pretrial Hearing

15. Before the time of the pretrial hearing and after the parties exchange deposition designations, witness lists, exhibit lists and motions, the parties shall meet and confer to attempt to resolve as many disputes as possible.

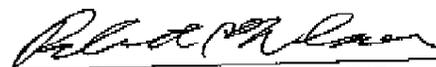
16. The Court shall hold pretrial hearings on April 27 and 28, 2006, to resolve outstanding issues related to deposition designations, witness lists, exhibit lists and remaining motions.

Trials

17. The above-captioned plaintiffs shall be trial-ready by May 1, 2006, with the date of trial for each plaintiff to be determined by the Court.

Service

18. Service of documents pursuant to provisions of this Order shall be delivered to the opposing counsel by Lexis/Nexis File & Serve, hand-delivery, or otherwise on the date indicated.



Hon. Robert C. Wilson, J.S.C.