
IN RE: DIET DRUG LITIGATION : SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: BERGEN COUNTY
: MASTER DOCKET NO.: BER-L-7718-03
:
: Civil Action
:
: **ORDER**
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THIS matter having been brought before the Court on a motion by Wyeth Corporation through its attorneys Porzio, Bromberg & Newman, P.C. and Arnold & Porter, LLP to challenge the right of fifty-three (53) intermediate (“IOO”) and back-end (“BEOO”) opt-outs to bring this action under the Class Action Settlement in *In re Diet Drug Product Litigating Investigation, MDL 1203* and to appoint expert(s) to assist the Court in this process, and the motion having been opposed by the plaintiffs through their liaison counsel, Williams Cuker & Berezofsky and Wilentz, Goldman & Spitzer, P.A., and the Court having considered the papers submitted in support of and in opposition to these motions, and having heard the arguments of counsel on March 22, 2004, and for he reasons stated in the Court’s Opinion of April 13, 2004, and for other good cause;

IT IS on the 13th day of April 2004;

ORDERED that Wyeth shall have the right to challenge as a preliminary and threshold matter whether any or all of the IOOs and BEOOs are timely and proper following the procedures established in the Court’s April 13, 2004 Opinion; and it is further

ORDERED that the Court will appoint an expert or experts to assist it in some of the anticipated hearings under **N.J.R. Evid.** 104(a) following appointment procedures to be set as a result of a case management conference scheduled on April 16, 2004 at 11:00 a.m.

CHARLES J. WALSH, J.S.C.