

FILED

AUG 31 2004

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

IN RE: DIET DRUG LITIGATION : SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: BERGEN COUNTY
: DOCKET NO.: BER-L-7718-03MT
:
: **PRETRIAL ORDER**
: **FOR TRIAL LIST CASES**

THIS MATTER having come before the Court for multiple case management conferences during which this Court has determined that certain cases from discovery Group 1 are to be prepared on an expedited basis for trial commencing in January 2005, and good cause having been shown,

IT IS on this 31st day of August, 2004, **ORDERED** as follows:

1. The Court imposes the following deadlines for the following Group 1 cases: Jolin-Wanty, Torrence, Greer, Napier, Rose, Robinson, Pence, Todd, Flynn, Curry, Nault, Cosner and Ulibarri.
2. The first five (5) cases to be tried on January 3, 2005 at 9:00 A.M. are: Jolin-Wanty, Torrence, Greer, Napier and Rose. The Court has set the following cases as backups to these five (5) cases: Robinson, Pence, Todd, Flynn, Curry and Nault. If five (5) or more of these cases remain pending when the January trial begins, five (5) of these remaining cases will be scheduled for trial to begin March 15, 2005 at 1:30 P.M..
3. To the extent that all of the cases listed in paragraph 1 are tried or otherwise disposed of, the following five (5) cases from Group 1 will commence trial on March 15, 2005 at 1:30 P.M.. The Court has set the following cases as backups to these five (5) cases:

Hines, Fuss-Houck, Elkington, Grantham, Lacy and Thompson, subject to the same rules as in paragraph 2 above.

4. The Cosner and Ulibarri cases, which involve a heart valve replacement will be tried together, but separately from the other cases listed above, with a trial date of January 3, 2005 at 9:00 A.M.

Discovery Completion

5. Fact discovery may continue through the period of expert discovery. 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 Witness Designations

6. Plaintiffs shall serve all reports, curriculum vitae and fee schedules for all experts no later than September 23, 2004.
7. Defendant shall serve all reports, curriculum vitae and fee schedules for all experts no later than October 22, 2004.
8. Expert depositions shall be concluded by December 6, 2004.

Exhibit, Witness and Deposition Designations

9. The parties shall serve no later than December 8, 2004, 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 December 22, 2004, upon written request.

10. The parties shall serve no later than December 22, 2004, objections, counter-designations and rebuttal designations to designations served in accordance with paragraph 7, and rebuttal exhibits and witnesses.
11. The Court shall conduct a hearing to consider unresolved objections to deposition testimony designations.

Dispositive and Non-Dispositive Pretrial Motions

12. 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 December 8, 2004.
13. The parties shall serve responses to such motions no later than December 23, 2004.
14. The parties shall file and serve replies to such motions no later than December 30, 2004.
15. The Court shall hold hearings on such motions on or after January 3, 2005, prior to the trial of this matter.

Pretrial Hearing

16. 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.
17. The Court shall hold a pretrial hearing on a date of the Court's choosing to resolve outstanding issues related to deposition designations, witness lists, exhibit lists and remaining motions.

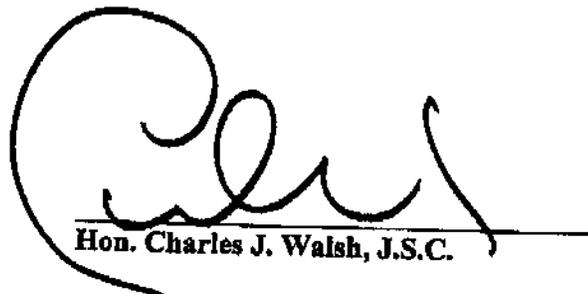
Trial Procedures

18. The parties shall provide 24 hours' notice of all permitted deposition excerpts they seek to introduce at trial, reflecting the Court's rulings on objections, counter-designations, and rebuttal designations.

19. The parties shall provide 24 hours' notice of all live witnesses that they intend to call at trial as well as any exhibits, graphics, or demonstratives to be used with that witness. Graphics, demonstrative aids and documents to be used in opening and closing statements shall be disclosed 24 hours in advance of such statements.

Service

20. Service of documents pursuant to the provisions of this Order shall be delivered to the opposing counsel on the date indicated, by Verilaw, hand-delivery, or otherwise.



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