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FILED

FEB 03 2006

**ROBERT C. WILSON
J.S.C.**

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

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

**ORDER GRANTING REQUEST TO
 RECONSIDER DENIAL OF ORDER TO
 ESTABLISH THAT DEFENDANT WYETH
 MAY MEET *EX PARTE* WITH TREATING
 PHYSICIANS PRIOR TO THEIR
 DEPOSITION AND TRIAL TESTIMONY**

THIS MATTER having been opened to the Court by attorneys for defendant Wyeth to reconsider the Court's denial of defendant's application to establish that Wyeth's counsel may meet *ex parte* with plaintiffs' treating physicians prior to their deposition and trial testimony, and requiring plaintiffs to sign authorizations permitting such meetings, and the Court having considered the papers submitted and the arguments of counsel, and for good cause shown,

IT IS on this 3rd day of FEBRUARY, 2006, ORDERED AS FOLLOWS:

1. Wyeth's motion for reconsideration of the denial of its application to establish that defendant Wyeth may meet *ex parte* with treating physicians prior to their deposition and live testimony is hereby GRANTED
2. The Court's order of January 13, 2006, is hereby VACATED.
3. Within five days of entry hereof, plaintiffs shall produce to counsel for Wyeth executed authorizations addressed to their prescribing physicians in the form attached to this Order.

DENIED

DENIED

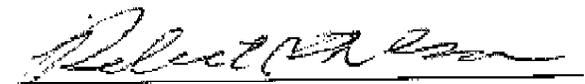
DENIED

4. Wyeth's counsel may meet with the plaintiffs' treating physicians *ex parte*, and the discussions with the treating physicians are limited to the issues set forth in the attached form of authorization.

5. Plaintiffs and their counsel shall not discourage the physicians from participating in voluntary *ex parte* meetings conducted pursuant to this Order or otherwise interfere with such meetings.

6. Each *ex parte* meeting conducted pursuant to this Order shall be transcribed verbatim by a certified court reporter. The transcript of an *ex parte* meeting with a physician shall be produced to plaintiff's counsel at least twenty four (24) hours before the start of any subsequent deposition of the physician, if any, unless twenty four (24) hours notice is not possible due to exceptional circumstances.

7. A transcript of an *ex parte* meeting between Wyeth's counsel and plaintiff's physician may only be used at the physician's subsequent deposition or at trial as a prior statement of a witness pursuant to N.J.R.E. 803(a)(1) or (2).


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

ALL ARE DENIED FOR THE REASONS STATED ON THE FEB. 3, 2006 RECORD.