NOTICE TO THE BAR

IN RE: PPA (Phenylpropanolamine)	:	**SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MIDDLESEX**
	COUNTY	
	:	
	:	
	:	**CIVIL ACTION**
	:	
	:	**CASE CODE: 264**
	:	**CASE MANAGEMENT ORDER I**
	:	

THIS MATTER having been opened on the court's own motion in furtherance of the Order of September 17, 2001 signed by Chief Justice Deborah Poritz for the Supreme Court of the State of New Jersey designating this Court to centralize all pending and future cases alleging injuries and/or other claims from ingestion of PPA; and

WHEREAS these cases involve numerous claims that may merit special attention as complex litigation, Track IV:

IT IS ON THIS 25th DAY OF SEPTEMBER 2001 ORDERED:

1. No complaint filed after the date of the Order shall contain more than one plaintiff or household of related plaintiffs.

2. All complaints shall contain in the Case Information Statement ("CIS") Form and all pleadings shall display in the caption the case code # 264 and under Civil Action, the designation PPA, set forth in bold lettering.

3. All new pleadings past the date of this order shall be filed and venued in MIDDLESEX COUNTY and direct to the CIVIL DIVISION, MASS TORT SECTION, MIDDLESEX COUNTY COURTHOUSE, P.O. Box 2690, One JFK Square, New Brunswick, NJ 08903-2690.

4. All Court files including pleadings, motions, etc., shall be transferred from the original county of venue, packaged, and clearly marked TRANSMITTED FILE - PPA LITIGATION - Judge Corodemus and forwarded to the Office of the Clerk, MIDDLESEX COUNTY, at the above address.

5. All motions pending in any county are hereby stayed until October 26, 2001 or until further order of this court.

6. The filing of all motions are stayed until October 26, 2001 or until further order of this Court.

7. Further, every pleading or motion paper once filed in Middlesex will thereafter include a docket number with the notation in bold type "MT" after the number for all PPA Litigation.

8. All defense attorneys in receipt of process or retained by any defendant shall forth with notify this court in writing, and all plaintiff's counsel by letter as to the party represented and the name(s) of the case(s) involved in that representation.

9. All plaintiffs and defense attorneys shall forth with notify this court in writing, as to any motions that have been heard including a summary of the motion, and disposition, if any, including the court's order.

10. All plaintiffs and defense attorney shall forth with notify this court in writing, as to any motions pending, including the names of the parties, docket number, nature of the motion, all counsel involved and return date.

11. Initial Conference: All counsel shall appear for an initial conference with the Court at 10:00 AM on Friday, 19th Day of October, 2001, Court Room 308, Middlesex County Courthouse, New Brunswick New Jersey.

    (a) Attendance. To minimize costs and facilitate a manageable conference, parties are not required to attend the conference, and parties with similar interests are expected to agree to the extent practicable on a single attorney to act on their joint behalf at the conference, be precluded from other representation during the litigation; and attendance at the conference will not waive objections to jurisdiction, venue, or service.

    (b) Other Participants. Persons who are not named as parties in this litigation but may later be joined as parties or are parties in related litigation pending in other federal and state courts are invited to attend in person or by counsel.

12. Preparations for Conference.

    (a) Procedures for Complex Litigation. Counsel are expected to familiarize themselves with the Manuel for Complex Litigation, Third, and be prepared at the conference to suggest procedures that will facilitate the just, speedy, and inexpensive resolution of this litigation.

    (b) Initial Conference of Counsel. Before the conference, counsel shall confer and seek consensus to the extent possible with respect to the items on the agenda, including a proposed discovery plan and a suggested schedule for joinder of parties, amendment of pleadings, consideration of any class action allegations, motions, and trial.

(c) Preliminary Reports. Counsel will submit to the court by October 11, 2001 written statement indicating their preliminary understanding of the facts involved in the litigation and the critical factual and legal issues. These statements will not be filed with the clerk, will not be binding, will not waive claims or defenses, and may not be offered in evidence against a party in later proceedings.

(d) List of Affiliated Companies and Counsel. To assist the court in identifying any problems or recusal or disqualification, counsel will submit to the court by October 11, 2001 a list of all companies affiliated with the parties and all counsel associated in the litigation.

(e) List of Related Cases. Counsel's statement shall list all related cases pending in state and federal court and their current status, to the extent known.

13. Interim Measures. Until otherwise ordered by the court:

(a) Admission of Counsel. Attorneys must be admitted to practice and in good standing in New Jersey, those not admitted pro hac vice in this litigation may not participate.

(b) Pending and New Discovery. Pending the conference, all outstanding disclosure and discovery proceedings are stayed and no further discovery shall be initiated. This order does not (1) preclude voluntary informal discovery regarding the identification and location of relevant documents and witnesses; (2) preclude parties from stipulating to the conduct of a deposition that has already been scheduled; (3) prevent a party from voluntarily making disclosure, responding to an outstanding discovery request or (4) authorize a party to suspend its efforts in gathering information needed to respond to a request. Relief from this stay may be granted for good cause shown, such as the ill health of a proposed deponent.

(c) Preservation of Records, Each party shall preserve all documents and other records containing information potentially relevant to the subject matter of this litigation. Each party shall also preserve any physical evidence or potential evidence and shall not conduct any testing that alters the physical evidence without notifying opposing counsel and, unless counsel stipulate to the test, without obtaining the court's permission to conduct the test. Subject to further order of the court, parties may continue routine erasures of computerized data pursuant to existing programs, but they shall (1) immediately notify opposing counsel about such programs and (2) preserve any printouts of such data. Requests for relief from this directive

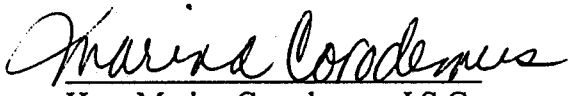
will receive prompt attention from the court.

(d) Motion. No motion shall be filed without leave of court unless it includes a certificate that the movant has conferred with opposing counsel in a good faith effort to resolve the matter without court action, until a further order is issued by this court on October 19, 2001.

(e) Orders of Transferor Courts. All orders by transferor courts imposing dates for pleadings or discovery are vacated.

14. Later Filed Cases. This order shall also apply to related cases later filed in, removed to, or transferred to this court.

15. All attorney are directed to monitor all further notices in the this matter on the Mass Tort Web Page located at www.judiciary.state.nj.us/mass-tort/index.htm.



Hon. Marina Corodemus, J.S.C.
Supervising Judge, Mass Tort