

IN RE: BENICAR
(Olmesartan Medoxomil)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY
RECEIVED and FILED
CASE NO: 299
OCT 11 2016
ATLANTIC COUNTY CIVIL ACTION
LAW DIVISION CASE MANAGEMENT
ORDER NO. 7
FILED
OCT 11 2016
NELSON C. JOHNSON, J.S.C.

BELLWETHER DEPOSITION PROTOCOL

THIS MATTER, having come before the Court, upon the submission by Plaintiffs of the final version of the Order entered in the Benicar (Olmesartan) Products Liability Litigation MDL Master Docket No. 15-2606, and in furtherance of State and Federal Court coordination;

IT IS on this 11th day of October, 2016 **ORDERED** as follows:

1. Location of Depositions. The witnesses will be deposed in the federal district where they live or New Jersey, or such other place as agreed to by all counsel and the witness. All plaintiffs will be deposed in New Jersey.

2. Order of Depositions. The parties should endeavor to schedule depositions in the following order:

- Plaintiff, Plaintiff's spouse/significant other (to be conducted the day before/after Plaintiff).
- Prescriber and Treater.
- Detail representative.

3. Duration and Time Allocation. Seven (7) hours for Defendants' deposition of each Plaintiff(s) and spouse/significant other.

For Prescriber and Treater depositions, time will be split evenly, and each side will have

no more than three and a half (3.5) hours.

Plaintiffs' counsel shall be allotted six (6) hours for detail representative depositions. Defense counsel shall be allotted one (1) hour.

4. Scheduling. Either party may contact Prescriber and Treating physicians for scheduling purposes. Defense counsel shall only contact Prescriber and Treating witnesses for purposes of scheduling depositions.

5. Fees. Plaintiffs and Defendants shall evenly split any witness fee charged by a Prescriber or Treater witness, only after the parties have agreed to the fee proposed by the witness.

6. Order of Questioning. For detail representatives, Plaintiffs' counsel shall proceed first. For Prescriber and Treater depositions, the parties shall alternate who leads off as follows:

<u>Plaintiff</u>	<u>Prescriber</u>	<u>Treater</u>
1. James Atwell	Plaintiff	Defendant
2. Steven Hendelman	Defendant	Plaintiff
3. Harvey Schwartz	Plaintiff	Defendant
4. Arthur Schweithelm	Defendant	Plaintiff
5. Harvey Sklar	Plaintiff	Defendant

7. Prior Orders. This bellwether deposition protocol shall not supersede any prior Order entered in this matter except as set forth above.

IT IS FURTHER ORDERED that a true and correct copy of this order shall be served on all parties within (7) days of the date hereof.

A handwritten signature in cursive script, appearing to read "Nelson C. Johnson", written over a horizontal line.

NELSON C. JOHNSON, J.S.C.

Dated: October 11th, 2016