

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK



-----X
IN RE: NEURONTIN :
PRODUCT LIABILITY LITIGATION :
-----X
: Hon. Marcy S. Friedman
THIS DOCUMENT APPLIES TO ALL CASES : IAS Part 57
-----X

Index No. 765000/06

Hon. Marcy S. Friedman
IAS Part 57

~~RECEIVED~~ **CASE MANAGEMENT ORDER NO. 16**

WHEREAS, pursuant to C.M.O. No. 11, Defendants disclosed experts and moved for summary judgment and to exclude Plaintiff's expert on specific causation in the *Ballo* case (Index No. 100743/06) on September 9, 2010;

WHEREAS, pursuant to C.M.O. No. 13, Defendants' deadline for dispositive motions and expert reports in the *Wargo* case (No. 102052/07) is November 15, 2010;

WHEREAS, on October 15, 2010, by Orders to Show Cause, Plaintiffs in *Ballo* and *Wargo* moved for leave to file amended complaints;

WHEREAS, Plaintiffs in *Ballo* and *Wargo* have stated that if the Court were to grant leave to amend, they would not oppose a request by Defendants for limited additional discovery and an adjournment of dispositive motions;

WHEREAS, Plaintiffs' motions for leave to amend were fully briefed and this Court heard oral argument on November 9, 2010, and took the matters under advisement; and

WHEREAS, in light of the pending motions to amend, Defendants have requested, and Plaintiffs in *Ballo* and *Wargo* have agreed to, an adjournment of the November 15, 2010, deadline for dispositive motions and expert reports in *Wargo* and of oral argument on Defendants' motion for summary judgment and to exclude in *Ballo*, until after a ruling by this Court on Plaintiffs' motion to amend;

IT IS HEREBY ORDERED that:

The November 15, 2010, ^{per CMO 13} deadline for dispositive motions and Defendants' expert reports in *Wargo* is adjourned until after a ruling by this Court on Plaintiffs' motion to amend;

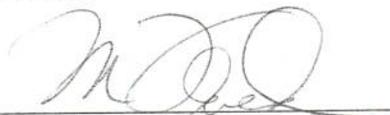
Oral argument on Defendants' motion for summary judgment and to exclude in *Ballo* is adjourned until after a ruling by this Court on Plaintiffs' motion to amend;

If the Court grants Plaintiffs' motion to amend, the deadlines for dispositive motions and Defendants' expert reports in *Wargo* and any new or amended dispositive motions or expert reports from Defendants in *Ballo* will be thirty (30) days after the close of any time period provided by the Court for additional discovery in the two cases, any oppositions will be due twenty-one (21) days after the deadline for such motions, and any replies will be due fourteen (14) days after the deadline for oppositions;

If the Court denies Plaintiffs' motion to amend, the deadline for dispositive motions and Defendants' expert reports in *Wargo* will be fourteen (14) days after the date of the Court's order denying Plaintiffs' motion, any oppositions will be due twenty-one (21) days after the deadline for such motions, and any replies will be due fourteen (14) days after the deadline for oppositions; and

^{The page limits set forth in CMO 11 shall apply to any motions.}
The Court hereby adjourns the currently scheduled oral argument date of January 6, 2010, related to dispositive motions in *Wargo* and *Ballo*, and will reschedule a date for oral argument on said dispositive motions ~~and motions to exclude~~ in *Wargo* and *Ballo* after the briefing schedule is determined pursuant to the foregoing paragraphs.

ENTER



Hon. Marcy S. Friedman
J.S.C.

Dated: 11-22-10