

STATE OF NEW YORK
LITIGATION COORDINATING PANEL

560001/12

SUB #1

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Anthony Luciere

Plaintiffs,

- against -

Bristol-Myers Squibb, Sanofi Pharmaceuticals, Inc.,
Synthelabo, Inc. and Wyeth-Ayerst Pharmaceuticals
Inc.

Defendants

Clerk's Office

Panel Case No. 0012/2011

: Index No. 020134/2008

: Pending in the:
Tenth Judicial District

Assigned Justice:

Filed in the Nassau County

FILED

FEB - 1 2012

COUNTY CLERK'S OFFICE
NEW YORK

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AND OTHER MATTERS LISTED ON THE ATTACHED APPENDIX
DECISION AND ORDER

This application for coordination, pursuant to section 202.69 of the Uniform Rules for the Trial Courts of the State of New York (22 NYCRR 202.69), alleges claims for personal injury, stemming from the ingestion of Plavix, a medication prescribed to reduce the risk of heart attack or stroke in certain patients, that works by inhibiting blood platelets from forming clots.

Bristol-Myers Squibb Co., Sanofi-Aventis U.S. LLC, Sanofi-Aventis U.S. Inc., and Sanofi-Synthelabo, Inc., defendants in the above-captioned action, (presently pending in Nassau County) and in various of the actions on the attached Appendix, move by counsel, Arnold & Porter LLP, by Notice of Motion dated November 01, 2011, for an order of coordination with regard to said cases.

Specifically, defendants seek to coordinate the above-captioned action with 39 pending actions listed in the Appendix, and any other subsequently filed action, and any action that is pending at the time of this application but not included in this application for coordination, pursuant to section 202.69 of the Uniform Rules for the Trial Courts. Of the pending 39 actions, 36 are in New York County, and three are in Richmond County.

The defendants, as well as counsel for plaintiffs in the related actions, all support and consent to the application for coordination. However, counsel for a majority of the plaintiffs objects to defendants' selection of New York County as the coordination venue. Counsel for these plaintiffs requests Richmond County, as the county of coordination. Defendants support their choice of New York County, where the overwhelming majority of Plavix actions are pending, by arguing that New York is more convenient for the defendants and their witnesses and it is the county where a majority of the plaintiffs have chosen to file their actions and will thus, result overall in a more efficient process.

The Panel has considered all of the issues with respect to this motion, including that of judicial economy, and finds that the purposes of Section 202.69 of the Uniform Rules for the Trial Courts of the State of New York are best served by granting the application for coordination. In this regard, the Panel unanimously agrees that coordination will be advantageous and efficient for all parties, and will not prejudice any party.

The Panel agrees that New York County is the best choice for venue. Among other things, it is the filing venue of choice for a majority of the plaintiffs, 36 out of the 40 Plavix actions are pending there. New York County is well suited to manage products liability actions and towards this end, it has designated Complex Litigation Parts, presided over by jurists trained in the intricacies of these matters. Moreover, the courthouse is relatively close to the other counties in question, and not burdensome for both counsel and litigants to travel to.

The Panel thereby directs that coordination of these related matters be before a Coordinating Justice in the First Judicial District, Supreme Court, County of New York - Civil Branch, and that the Justice to whom this litigation is assigned should be familiar with product liability issues. The Panel recommends that the Justice to whom this multi-district litigation is assigned, should consult with Justice Freda L. Wolfson of the U.S. District Court for the District of New Jersey ([609]-989-2182) and Justice Victor Marrero of the U.S. District Court for the Southern District of New York ([212] 805-6374)as both Justices are currently presiding over multiple Plavix actions.

Accordingly, upon due deliberation, and for the reasons stated, it is hereby:

Ordered, that the actions set forth above and in the Appendix shall be coordinated pursuant to Section 202.69 of the Uniform Rules for the Trial Courts of the State of New York, in the Supreme Court, New York County, before a Coordinating Justice of that county; and it is further

Ordered, that any action that alleges claims for injuries stemming from the ingestion of Plavix, that is filed in the Supreme Court of the State of New York heretofore and which remains active, but is not listed in the caption above or on the Appendix and any such action that is filed hereafter shall, in accordance with Subdivision F of the Procedures of the Panel, likewise be coordinated pursuant to Section 202.69 of the Uniform Rules for the Trial Courts of the State of New York, before the Coordinating Justice, unless the Panel rules otherwise pursuant to Subdivision F of the Procedures of the Panel; and it is further

Ordered, that pursuant to section 202.69(c)(1) of the Uniform Rules for the Trial Courts of the State of New York, the **Honorable Sherry Klein-Heitler**, the Administrative Judge of the First Judicial District (Civil Branch) shall assign the Coordinating Justice; and it is further

Ordered, that the Clerk of the Panel shall forthwith transmit a copy of this Decision and Order to counsel for all parties herein, the Justices to whom each of the above actions is currently assigned and the **Honorable Klein-Heitler**, Administrative Judge for the First Judicial District; and it is further

Ordered that, within 15 days from receipt of a copy of this Order, counsel for the applicants shall serve a copy of this Decision and Order, with notice of entry, upon the Clerks of the Supreme

Court for Richmond County and Nassau County, who are directed, upon payment of appropriate fees, if any, to transmit the files in the listed actions that are pending in said Counties to the Clerk of the Supreme Court, New York County; and it is further

Ordered, that, with respect to any additional action that is to be coordinated as provided in the second order provision hereof, upon service of a copy of the Decision and Order of the Panel with notice of entry, together with the affidavit of compliance or the decision of the Panel set forth in Subdivision F of the Procedures of the Panel, upon the Clerk of the Court in which any such additional action is or hereafter shall be pending (other than the Supreme Court, New York County) as provided in Subdivision F, the said Clerk shall forthwith transfer to the Supreme Court, New York County, after the payment of the appropriate fees, if any, the file in any such additional action that is to be coordinated as provided in this Decision and Order and Subdivision F; and it is further

Ordered, that the Clerk of the Supreme Court, New York County, shall assign a New York County index number, without fee, to any such additional action transferred to that county from another as provided above and such number shall serve as a means of identification and orderly processing of any such case while it remains in New York County for the purpose of coordination.

This constitutes the Decision and Order of the Panel. The Panel, by its Presiding Justice and with their consent, signs this Decision and Order

Dated: January 24, 2012

Justices of the Panel:

Hon. Helen E. Freedman

Presiding Justice, First Department

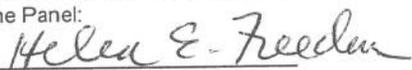
Hon. Joseph J. Maltese

Associate Justice, Second Department

Hon. Matthew Rosenbaum

Associate Justice, Fourth Department

For the Panel:



Hon. Helen E. Freedman

Presiding Justice

FILED

FEB - 1 2012

COUNTY CLERK'S OFFICE
NEW YORK

1. Hon. E. Michael Kavanagh, Justice of the Panel, took no part in the consideration or resolution of this matter.

Plavix Appendix

<u>Case</u>	<u>Index No.</u>	<u>County</u>	<u>Assigned Justice</u>
Shreeve v Bristol-Myers Squibb	109771/11	New York	Hon. Debra A. James
Lockwood v Bristol-Myers Squibb	110438/11	New York	Hon. Debra A. James
Steele v Bristol-Myers Squibb	110439/11	New York	Hon. Debra A. James
Thompson v Bristol-Myers Squibb	110440/1	New York	Hon. Debra A. James
Moore v Bristol-Myers Squibb	110441/11	New York	Hon. Debra A. James
Winchester v Bristol-Myers Squibb	111067/11	New York	Hon. Debra A. James
Gleichman v Bristol-Myers Squibb	111068/11	New York	Hon. Debra A. James
Carter v Bristol-Myers Squibb	111069/11	New York	Hon. Debra A. James
Tillet v Bristol-Myers Squibb	111070/11	New York	Hon. Debra A. James
Addison v Bristol-Myers Squibb	111071/11	New York	Hon. Debra A. James
Stokes v Bristol-Myers Squibb	111072/11	New York	Hon. Debra A. James
McCafferty v Bristol-Myers Squibb	111314/11	New York	Hon. Debra A. James
Brush v Bristol-Myers Squibb	112452/11	New York	Rji not filed
Wade v Bristol-Myers Squibb	112453/11	New York	Rji not filed
Byrd v Bristol-Myers Squibb	112848/11	New York	Rji not filed
Griffin v Bristol-Myers Squibb	113461/11	New York	Rji not filed
Ortega v Bristol-Myers Squibb	113462/11	New York	Rji not filed
Simpson v Bristol-Myers Squibb	113463/11	New York	Rji not filed
Addison v Bristol-Myers Squibb	113464/11	New York	Rji not filed
Granger v Bristol-Myers Squibb	113465/11	New York	Rji not filed

Hatmaker v Bristol-Myers Squibb	113466/11	New York	Rji not filed
Lancaster v Bristol-Myers Squibb	113467/11	New York	Rji not filed
Smith v Bristol-Myers Squibb	113468/11	New York	Rji not filed
Colley v Bristol-Myers Squibb	114340/11	New York	Rji not filed
Frazier v Bristol-Myers Squibb	114341/11	New York	Rji not filed
Murphy v Bristol-Myers Squibb	114342/11	New York	Rji not filed
Liner v Bristol-Myers Squibb	114343/11	New York	Rji not filed
Curry v Bristol-Myers Squibb	114344/11	New York	Rji not filed
Suell v Bristol-Myers Squibb	114345/11	New York	Rji not filed
Miller v Bristol-Myers Squibb	114346/11	New York	Rji not filed
Kinsey v Bristol-Myers Squibb	114347/11	New York	Rji not filed
Winters v Bristol-Myers Squibb	114348/11	New York	Rji not filed
Parker v Bristol-Myers Squibb	114349/11	New York	Rji not filed
Vaughn v Bristol-Myers Squibb	114350/11	New York	Rji not filed
Pickett v Bristol-Myers Squibb	114351/11	New York	Rji not filed
Donato v Bristol-Myers Squibb	114352/11	New York	Rji not filed
Gelb v Bristol-Myers Squibb	104452/11	Richmond	Rji not filed
Windland v Bristol-Myers Squibb	100016/12	Richmond	Rji not filed
Erkman v Bristol-Myers Squibb	100069/12	Richmond	Rji not filed
Silver v Bristol-Myers Squibb	100128/12	New York	Rji not filed
Bottoms v Bristol-Myers Squibb	100129/12	New York	Rji not filed
Kratz v Bristol-Myers Squibb	100130/12	New York	Rji not filed