

**STATE OF NEW YORK  
LITIGATION COORDINATING PANEL**

**Panel Case No. 0001/2003**

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ROBEF . VIERA,	:	
	:	
Plaintiff,	:	Index No. 10684/2001
- against -	:	
	:	Pending in the:
	:	<u>Eleventh Judicial District</u>
THE DELACO COMPANY, as Successor by Merger to	:	
Thompson Medical Company, Inc., RITE AID OF NEW	:	Assigned Justice:
YORK, INC.,	:	Hon. Fredrick Schmidt
	:	
	:	Filed in the Queens County
	:	Clerk's Office on April 24, 2001
	:	
Defendants.	:	

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AND OTHER CASES LISTED ON APPENDIX HERETO

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**ORDER**

Novartis Consumer Health Corporation, Novartis Corporation, and Novartis Pharmaceutical Corporation, Delaco Company, Bristol Myers Squibb Company, L. Perrigo Company, and Wyeth having moved, pursuant to Section 202.69 of the Uniform Rules for the Trial Courts, by order to show cause dated February 3, 2003, for an order of coordination with regard to the case captioned above and all the cases listed in the Appendix hereto, and the plaintiffs having submitted papers in opposition, and two defendants in one of the cases (Pineda v. Wyeth, Index No. 20590/2002 (Queens

County)), BJ's Wholesale Club and Natick N.Y. College Point Realty Corp., having submitted papers in opposition, and the movants having submitted papers in reply, and due deliberation having been had, and the Litigation Coordinating Panel ("the Panel") having issued its Decision simultaneously herewith, it is now

(1) ORDERED that the application is granted and the actions set forth above and in the Appendix (with the exception of Baron v. Chattem, Inc., 121727/2001 (N.Y. Cty.)) shall be coordinated pursuant to Section 202.69 of the Uniform Rules for the Trial Courts in the Supreme Court of the State of New York, County of New York, before a Coordinating Justice of that County; and it is further

(2) ORDERED that, pursuant to Section 202.69 (c) (1), the Administrative Judge of the First Judicial District, the Honorable Jacqueline W. Silbermann, shall designate the Coordinating Justice; and it is further

(3) ORDERED that any actions for personal injury alleged to have occurred as a result of the ingestion of phenylpropanolamine that were filed in the Supreme Court of the State of New York heretofore and that remain active but that are not listed in the caption above or in the Appendix or that are filed hereafter shall, in accordance with Subdivision F of the Interim Procedures of the Panel (dated May 29, 2002), likewise be coordinated pursuant to Section 202.69 in New York County before the said Coordinating Justice unless the Panel rules otherwise as provided in said Subdivision; and it is further

(4) ORDERED that the Clerk of the Panel shall forthwith transmit a copy of the Decision of the Panel and this Order to counsel for all parties herein, the Justices to whom each of the above

actions is currently assigned, and Honorable Jacqueline W. Silbermann, Administrative Judge of the First Judicial District; and it is further

(5) ORDERED that, within 15 days from receipt of a copy of this Order, counsel for the applicants shall serve a copy of the Panel's Decision and this Order with notice of entry upon the Clerks of the Supreme Court for Queens and Westchester Counties, who are directed, upon payment of appropriate fees, if any, to transmit the files in the three listed actions that are pending in said Counties to the Clerk of the Supreme Court, New York County; and it is further

(6) ORDERED that, with respect to any additional action that is to be coordinated as provided in Paragraph (3) hereof, upon service of a copy of the decision of the Panel and this Order with notice of entry, together with either the affidavit of compliance or the further decision of the Panel set forth in Subdivision F of the Interim 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 Clerk of Supreme Court, New York County, after payment of appropriate fees, if any, the file in any such additional action that is to be coordinated as provided in this Order and Subdivision F; and it is further

(7) ORDERED that, the Clerk of the Supreme Court, New York County, shall assign a New York County index number without fee to any action transferred to this 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 Order of the Panel.

Dated: New York, New York  
May 8, 2003



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HON. HELEN E. FREEDMAN  
Presiding Justice, First Department

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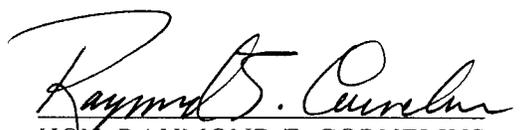
HON. RAYMOND E. CORNELIUS  
Justice, Fourth Department

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HON. E. MICHAEL KAVANAGH  
Justice, Third Department

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HON. JOSEPH J. MALTESE  
Justice, Second Department



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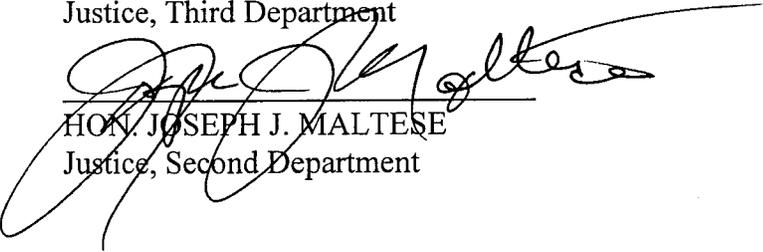
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Justice, Fourth Department

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HON. E. MICHAEL KAVANAGH  
Justice, Third Department



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HON. JOSEPH J. MALTESE  
Justice, Second Department

## APPENDIX – ADDITIONAL PPA CASES

<u>CASE</u>	<u>INDEX NO.</u>	<u>COUNTY</u>	<u>JUSTICE ASSIGNED</u>
Osterhaus v. Bristol-Myers Squibb Co.	111741/2001	New York	None
Canlas v Novartis Consumer Health Corp.	121058/2001	New York	Hon. Richard F. Braun
Baron v. Chattem, Inc.	121727/2001	New York	(Discontinued)
Stewart v. Bristol-Myers Squibb Co.	124064/2001	New York	None
Rice v. Bristol-Myers Squibb Co.	101735/2002	New York	None
Gouge v. Bristol-Myers Squibb Co.	102637/2002	New York	None
Keiser v. Novartis Corp.	103008/2002	New York	Hon. Joan A. Madden
Adams vs. Bristol-Myers Squibb Co.	104405/2002	New York	None
Tyler v. Novartis Consumer Health Corp.	109654/2002	New York	Hon. Richard F. Braun
Robinson v. Sanofi Synthelabo, Inc.	112186/2002	New York	None
Raucci v. Novartis Consumer Health, Inc.	115421/2002	New York	Hon. Debra James
Zaveri v. Bristol-Myers Squibb Co.	116020/2002	New York	None
Randisi v. Novartis Consumer Health Corp.	114518/2002	New York	None
Pineda v. Wyeth	20590/2002	Queens	None
Murray v. Bristol Myers Squibb Co.	118169/2002	New York	None
McCarthy v. Bristol-Myers Squibb Co.	118546/2002	New York	None
Daniel v. Bristol-Myers Squibb Co.	120893/2002	New York	None
Zarkin v. Lenier Health Products, Inc.	16045/2002	Westchester	None
Privitera v. Pfizer, Inc.	122095/2002	New York	Hon. Rosalyn Richter
Mozur v. Bristol-Myers Squibb Co.	123579/2002	New York	None

Reynolds v. Novartis Consumer Health Corp.	123578/2002	New York	None
Morgan v. Novartis Consumer Health Corp.	123953/2002	New York	None
Hinckley v. Family Dollar Stores, Inc.	127015/2002	New York	None