

At a Term of the Litigation Coordinating Panel of the Supreme Court of the State of New York, held in and for the County of New York, at the New York County Courthouse, 60 Centre Street, Room 148, New York, New York, on the 1 day of

June, 2005.

*LCP # 0003 / 2005*

PRESENT: HON. Melen E. Freedman  
JUSTICE PRESIDING  
LITIGATION COORDINATING PANEL

NEW YORK STATE SUPREME COURT  
FOR THE COUNTY OF NEW YORK

-----X  
ELIZABETH A. BATES,

Plaintiff,

-against-

PFIZER INC., PHARMACIA CORPORATION, a wholly-owned subsidiary of PFIZER INC., and PHARMACIA & UPJOHN COMPANY, a wholly-owned subsidiary of PHARMACIA CORPORATION, and MERCK & CO., INC.,

Defendants.  
-----X

**ORDER TO SHOW CAUSE**

Index No.: 114938/04

Pending in the:  
First Judicial District

Assigned Justice: [None]

Filed in the New York County Clerk's Office on November 15, 2004

On reading and filing the affirmation of Ronald R. Benjamin, Esq., sworn to the 16<sup>th</sup> day of May, 2005, and annexed hereto in support of the instant application of the above-captioned plaintiff and the plaintiffs set forth in the Appendix annexed thereto, seeking, pursuant to Section 202.69 of the Uniform Rules for the Trial Courts, an order of coordination of related actions pending in more than one judicial district and a stay of the proceedings in the instant and related actions.

IT IS HEREBY ORDERED that the defendants show cause at a term of this Panel to be held at the Court House located at 60 Centre Street, Room 148, New York, New York, on the \_\_\_\_\_

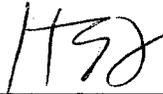
day of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon thereof, or as soon thereafter as counsel can be heard, why an Order should not be entered directing coordination, pursuant to Section 202.69 of the Uniform Rules for the Trial Courts, of the related actions set forth in the application appendix and a stay of the proceedings in the instant and related actions.

IT IS FURTHER ORDERED, that sufficient reason appearing, service by first-class mail of this Order and the papers on which it is based, upon counsel for the Pfizer defendants, Amy W. Schulman, Esq., DLA PIPER RUDNICK GRAY CARY US LLP, 1251 Avenue of the Americas, New York, New York 10020-1104, and SIDLEY AUSTIN BROWN & WOOD LLP, 787 Seventh Avenue, New York, New York, and upon counsel for defendant Merck & Co., Inc., Theodore V. H. Mayer, Esq., HUGHES HUBBARD & REED LLP, One Battery Park Plaza, New York, New York 10004-1482, shall be sufficient service; and

IT IS FURTHER ORDERED, that opposition papers, if any, are to be served on or before \_\_\_\_\_, 2005; and

IT IS FURTHER ORDERED, that reply papers, if any, are to be served on or before \_\_\_\_\_, 2005.

ENTER

  
\_\_\_\_\_  
HON.  
Justice, Litigation Coordinating Panel

*Application denied*

*HSJ*