

NY COUNTY CLERK # 560001/2005 Sub# 12

FILED

APR 10 2006

NEW YORK
COUNTY CLERKS OFFICE

**STATE OF NEW YORK
LITIGATION COORDINATING PANEL**

Panel Case No. 0004/2005

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

-----X
**Judith Marshall, Individually And On Behalf Of All Others
Similarly Situated,**

Plaintiff,

Index No. 105816/2004

- against -

**Pfizer, Inc., Pharmacia & Upjohn Company, Wyeth Pharmaceuticals,
and Wyeth, Inc., et al.,**

Defendant.

----- X

AND OTHER MATTERS LISTED ON THE ATTACHED APPENDIX

DECISION AND ORDER

The plaintiffs in the action captioned above, moved the Litigation Coordinating Panel (the "Panel") for an order pursuant to Section 202.69 of the Uniform Rules for the Trial Courts, coordinating the action with 45 other State Supreme Court actions presently pending in various judicial districts, all of which allege claims for personal injury stemming from the ingestion of medications used in Hormone Replacement Therapy and some of which cases have already been assigned to Supreme Court Justices in their respective districts. The "joint application" by the Ashkin Law Firm and The Calwell Practice LLC is brought on behalf of the plaintiffs in the coordination motion by the Ashkin Law Firm.

The responding defendants have indicated no opposition to the motion, except as set forth in the affirmation submitted on behalf of the "Wyeth defendants," in which the defendants oppose the characterization of the actions by the plaintiffs. The defendants however do not oppose the coordination of the actions and include a request to coordinate eight other matters not identified in the plaintiff's coordination motion.

The “Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn LLC and Greenstone Ltd. Defendants” also request two additional cases not identified in either the plaintiff’s or the “Wyeth Defendant’s” list of matters be coordinated; they do not oppose the coordination of these matters.

The Panel having met and considered the issues and circumstances involved, concluded that the application should be granted and also include all pending matters and those that may hereafter be filed. Coordination shall take place in the County of New York before a Justice of that county to be designated by the Administrative Judge thereof.

For these reasons, it is hereby

(1) Ordered that the actions set forth above and in the Appendix shall be coordinated pursuant to Section 202.69 of the Uniform Rules of 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 any actions for personal injury alleged to have occurred as a result of the ingestion of medications in the course of Hormone Replacement Therapy and 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 on the attached Appendix and any such actions that are 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 of the Trial Courts of the State of New York before the said Coordinating Justice unless the Panel rules otherwise as provided in said Subdivision F; and it is further

(3) Ordered that, pursuant to Section 202.69(c)(1), the Administrative Judge of the First Judicial District shall designate the Coordinating Justice; and it is further

(4) 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 to the Honorable Jacqueline W. Silberman, Administrative Judge of the First Judicial District; and it is further

(5) Ordered that, with respect to any additional action that is to be coordinated as provided in Paragraph (2) hereof, upon service of a copy of the Decision and Order of the Panel 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 Procedures of the Panel, upon the Clerk of the Court in which any such action is or hereafter shall be pending (other than the Supreme Court of New York County) as provided in Subdivision F, the said Clerk shall forthwith transfer to the Clerk of the 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 Decision and Order and Subdivision F; and it is further

(6) **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 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 Presiding Justice of the Panel signs this Decision and Order on her own behalf and with the authorization and on behalf of all of the other members of the Panel.

Dated: New York, New York
March 27, 2006

FILED
APR 10 2006
NEW YORK
COUNTY CLERK'S OFFICE

Justices of the Panel:


Hon. Helen E. Freedman
Presiding Justice, First Department

Hon. Raymond E. Cornelius
Associate Justice, Fourth Department

Hon. E. Michael Kavanagh
Associate Justice, Third Department

Hon. Joseph J. Maltese
Associate Justice, Second Department

For the Panel:



Hon. Helen E. Freedman
Presiding Justice, First Department

APPENDIX

Mary Allan v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., and Greenstone Ltd.,
Index No. 113049-05 New York County

Elizabeth Ansley v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer, Inc., Pharmacia & Upjohn Company, Inc., Barr Laboratories, Inc., Barr Pharmaceuticals, Inc. and Greenstone, Ltd.
Index No. 109479-05 New York County

Myra Beer and Daniel Beer, v. Wyeth, Inc., Wyeth Pharmaceuticals, Inc., Pharmacia & Upjohn Co., Pharmacia & Upjohn, Inc., Pfizer Inc., Greenstone, Ltd., and Barr Laboratories, Inc.
Index No. 109136-05 New York County

Sharon Berg v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., and Bristol Myers Squibb Company
Index No. 101695-05 New York County

Annette Calbi and Dennis Calbi v. Pfizer, Inc., Pharmacia and Upjohn Company, Inc., Greenstone, Ltd., Wyeth, Inc. Wyeth Pharmaceuticals, Inc.
Index No. 100443-05 New York County

Regina Cohen v. Wyeth, Inc., Wyeth Pharmaceuticals, Inc., Pharmacia & Upjohn Co., Pharmacia & Upjohn, Inc., Pfizer Inc., Greenstone, Ltd., and Barr Laboratories, Inc.
Index No. 109133-05 New York County

Vera DiLeo and John DiLeo v. Pfizer, Inc., Pharmacia and Upjohn Company, Inc., Wyeth, Inc., Wyeth Pharmaceuticals, Inc., Solvay Pharmaceuticals, Inc.
Index No. 109987-04 New York County

Janice DePace and Thomas DePace, wife and husband, v. Pfizer Inc., Pharmacia & Upjohn Company, Wyeth, Inc., and Wyeth Pharmaceuticals, Inc.
Index No. 107288-05 New York County

Lee Frankel v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., Greenstone Ltd., and Barr Laboratories
Index No. 23527-04 Queens County

Sadia Gigante and Remo Gigante v. Pfizer, Inc., Pharmacia and Upjohn Company, Inc., Greenstone Ltd., Wyeth Pharmaceuticals, Wyeth, Inc., Bristol Meyers Squibb Company
Index No 109988-04 New York County

Grazyna A. Gliksman v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., and Pharmacia & Upjohn Company, and Greenstone Ltd.
Index No.018351-04 Nassau County

Sondra Goldberg and Seymour Foner v. Wyeth, Wyeth Pharmaceutical, Inc., Pharmacia and Upjohn Company, Pharmacia & Upjohn, Inc., Pfizer, Inc., Greenstone, Ltd., Barr Laboratories, Inc.
Index No.106569-04 New York County

Theo R. Heller v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., and Greenstone Ltd.,
Index No. 13980-05 Queens County

Tove Jacobs v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., and Pharmacia & Upjohn Co.
Index No. 112756-04 New York County

Judith M. Knecht v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., and Pharmacia & Upjohn Company
Index No. 115613-04 New York County

Isabel Lanci v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., and Pharmacia & Upjohn Co.
Index No. 112754-04 New York County

Dolores Leibert v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., and Greenstone
Index No. 113679-04 New York County

Marilyn Lesser and Doris Golden on behalf of themselves and others and a class of others similarly situated v. Wyeth, Pfizer Inc., and Greenstone Ltd.
Index No. 110280-40 New York County

Faith I. Lobel v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Company, and Greenstone Ltd.
Index No. 1001-05 Kings County

Ofelia Manuel and Benito Manuel v. Pfizer, Inc., Pharmacia & Upjohn, Inc., Greenstone, Wyeth, Inc, Wyeth Pharmaceuticals, Inc.
Index No. 116030-04 New York County

Annemarie Marshall v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Company, Greenstone Ltd., and Bristol Myers Squibb Company.
Index No. 04540-05 Westchester County

Judith Marshall v. Pfizer, Inc., Pharmacia & Upjohn Company, Wyeth Pharmaceuticals, Inc., Wyeth Inc.
Index No. 04 105816 New York County

Joan McKenna v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Company, and Greenstone Ltd.
Index No. 29962-04 Suffolk County

Susan Mechanic v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., and Greenstone Ltd.
Index No.108276-05 New York County

Patricia Miller v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., and Greenstone Ltd.
Index No. 112594-04 New York County

Jane Mogan v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation,
Pharmacia & Upjohn Inc., and Pharmacia & Upjohn Company
Index No. 37-05 Putnam County

Rose Marie O'Leary and Ian O'Leary v. Wyeth, Inc., Wyeth Pharmaceuticals, Inc.,
Pharmacia & Upjohn Co., Pharmacia & Upjohn, Inc., Pfizer Inc., Greenstone, Ltd. and
Barr Laboratories, Inc.
Index No. 109135-05 New York County

Ann Parker v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation,
Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., Greenstone Ltd., & Bristol Myers
Squibb Company
Index No. 4367-05 Queens County

Barbara Pedersen and Robert Pedersen v. Wyeth Inc., Wyeth Pharmaceuticals, Inc.,
Pharmacia & Upjohn, Inc. Greenstone Ltd., Barr Laboratories, Inc.
Index No. 104360-05 New York County

Louise A. Pinamonth v. Wyeth, Wyeth Pharmaceuticals., and Dr. Richard Moss
Index No. 116346-04 New York County

Jeanette Rick and Alan Rick v. Wyeth, Inc., Wyeth Pharmaceuticals, Inc., Pharmacia &
Upjohn, Inc., Pfizer Inc., Greenstone, Ltd., and Barr Laboratories, Inc.
Index No. 109134-05 New York County

Janice Reif and Herbert Reif v. Wyeth, In., Wyeth Pharmaceuticals, Inc., Pharmacia &
Upjohn Company, Pfizer, Inc, Greenstone Ltd., and Barr Pharmaceuticals, Inc.
Index No 602835-04 New York County

Olga Romero-Rothenberg v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia
Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., and Greenstone Ltd.
Index No. 602835-05 Westchester County

Sandra and Ralph Rose v. Pfizer, Inc., Pharmacia & Upjohn, Inc., Greenstone Ltd., Barr
Pharmaceuticals, Inc., Wyeth, Inc. and Wyeth Pharmaceuticals Inc,
Index No. 100444-05 New York County

Sarah Jill Rosenberg v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., and Greenstone Ltd.
Index No. 3107-05 Nassau County

Linda and Stephen Rozenfeld v. Wyeth, Inc., Wyeth Pharmaceuticals, Pharmacia & Upjohn Co., Pharmacia & Upjohn, Inc., Greenstone Ltd., Barr Laboratories, Inc. and Abbot Laboratories, Inc.
Index No. 116327-04 New York County

Ellen Rubin v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., Novartis Corporation, and Novartis Pharmaceuticals Corporation
Index No. 115612-04 New York County

Hedda Rudoff v. Wyeth dba Wyeth, Inc., Wyeth Pharmaceuticals Inc., Pfizer, Inc., Pharmacia & Upjohn Company, LLC. fka Pharmacia & Upjohn Company, Pfizer Inc., Solvay Pharmaceuticals, Inc., and Solvay SA.
Index No. 110051-05 New York County

Sandra Shnetman, v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., and Greenstone Ltd.
Index No. 113050-04 New York County

Evelyn Streit-Cohen v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Company, and Greenstone Ltd.
Index No. 115200-04 New York County

Beatrice Taylor v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., and Greenstone Ltd.
Index No. 103879-05 New York County

Carol Tegnander and Richard Tegnander v. Pfizer, Inc., Pharmacia & Upjohn Inc., Bristol Meyer Squibb Company, Mead Johnson & Company, Greenstone Ltd.
Index No. 106777-04 New York County

Dalia Veralli v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia Corporation,
Pharmacia & Upjohn Inc., and Pharmacia & Upjohn Co.
Index No. 112755-04 New York County

Lucille Weidhorn and Seymour Weidhorn v. Pfizer Inc., Pharmacia & Upjohn Company,
Inc., Wyeth, Inc., and Wyeth Pharmaceuticals, Inc.
Index No. 1044466 -05 New York County

Sarah Weisberg v. Wyeth, Wyeth Pharmaceuticals Inc., Pfizer Inc., Pharmacia
Corporation, Pharmacia & Upjohn Inc., Pharmacia & Upjohn Co., and Greenstone Ltd.
Index No. 30293-04 Kings County

Joyce Worthington v. Wyeth, Inc., Wyeth Pharmaceuticals, Inc., Pfizer, Inc., Pharmacia
& Upjohn Company, Inc., Barr Laboratories, Inc., Barr Pharmaceuticals, Inc. and
Greenstone, Ltd.
Index No. 109480-05 New York County

Title	Index Number	County
✓ RUTH BELL, ET UX. HARRY BELL; CAROL CERINETTI, ET UX. WAYNE CERINETTI; CAROL ELLIS; ROCHELLE EPSTEIN; JEANNETTE FELDMAN; MYRNA FICHER, ET US. ALBERT FISHER; JULIANA KULESA; SHEILA MANN, ET UX. LEONARD R. MANN; LUCILLE MESCALL, ET UX. JAMES MESCALL; JEAN PLAMISANO, ET UX. SALVADORE PALMISANO; BEVERLY M. PARKER, ET UX. THOMAS J. PARKER; ROSEMARIE WEBER VS. PFIZER, INC.; PHARMACIA CORPORATION; PHARMACIA & UPJOHN COMPANY; PHARMACIA CORPORATION; WYETH F/K/A AMERICAN HOME PRODUCTS CORPORATIONS; WYETH PHARMACEUTICALS F/K/A WYETH-AYERST PHARMACEUTICALS, INC	113461/04	New York
✓ ROSE M. ELLIOT, DONALD H. ELLIOT, AGAINST PFIZER, INC., A WHOLLY-OWNED SUBSIDIARY OF PFIZER, INC., AND PHARMACIA & UPJOHN COMPANY, A WHOLLY-OWNED SUBSIDIARY OF PHARMACIA CORPORATION, AND NOVARTIS PHARMACEUTICALS CORPORATION, AND BRISTOL-MYERS SQUIBB COMPANY	2005-000880	Broome
✓ RACHEL EPSTEIN V. WYETH AND ITS DIVISIONS WYETH PHARMACUETICALS, INC. AND ESI LEDERLE; PFIZER, INC.; PHARMACIA & UPJOHN COMPANY; PHARMACIA CORPORATION; AND DOES 1-10, INCLUSIVE	109359/05	New York
✓ MARGUERITE HJALMARSON V. WYETH AND ITS DIVISION WYETH PHARMACEUTICALS, INC. AND ESI LEDERLE; PFIZER INC.; PHARMACIA & UPJOHN COMPANY; PHARMACIA CORPORATION; AND DOES 1-10, INCLUSIVE	109360/05	New York
✓ NATALIA MAROCHNIK AND LEONID MAROCHNIK VS. PFIZER, INC.	109886/05	New York
✓ THEA GRAVE PELLMAN, JOHN PELLMAN VS. WYETH F/K/A AMERICAN HOME PRODUCTS CORPORATION, WYETH PHARMACEUTICALS F/K/A WYETH-AYERST PHARMACEUTICALS, INC., AND PFIZER, INC., PHARMACIA CORPORATION, A WHOLLY-OWN SUBSIDIARY OF PFIZER, INC., AND PHARMACIA & UPJOHN COMPANY, WHOLLY OWNED SUBSIDIARY OF PHARMACIA CORPORATION	105858/04	New York
✓ DORIS SCOTT AND JAMES SCOTT AGAINST WYETH INC.; WYETH PHARMACEUTICALS INC; PHARMACIA & UPJOHN CO. LLC F/K/A PHARMACIA & UPJOHN CO.; PHARMACIA & UPJOHN LLC. F/K/A PHARMACIA & UPJOHN INC.; PFIZER INC.; GREENSTONE LTD.; BARR LABORATORIES INC.	111637/05	New York

Title	Index Number	County
ANNA SOLOMON V. WYETH AND ITS DIVISIONS WYETH PHARMACEUTICALS, INC. AND ESI LEDERLE; PFIZER, INC.; PHARMACIA & UPJOHN COMPANY; PHARMACIA CORPORATION; AND DOES 1-10, INCLUSIVE	109357/05	New York
NANCY STATES V. WYETH AND ITS DIVISIONS WYETH PHARMACEUTICALS, INC. AND ESI LEDERLE; PFIZER, INC.; PHARMACIA & UPJOHN COMPANY; PHARMACIA CORPORATION; AND DOES 1-10, INCLUSIVE	109358/05	New York
ELAINE M. SZYMANSKI -AGAINST- WYETH PHARMACEUTICALS INC., WYETH AYERST PHARMACEUTICALS INC., WYETH-AYERST INTERNATIONAL INC., WYETH LABORATORIES INC., WYETH PHARMACEUTICALS, WYETH, PFIZER INC., PHARMACIA & UPJOHN COMPANY AND PHARMACIA & UPJOHN, INC.	110697/04	New York