

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

IN RE: NEW YORK BEXTRA AND CELEBREX
PRODUCT LIABILITY LITIGATION

Index No. 762000/06

CASE MANAGEMENT
ORDER NO. 14

FILED

MAY 21 2007

THIS DOCUMENT APPLIES TO ALL

COURT NEW YORK
COUNTY CLERK'S OFFICE

Expedited Procedure for Issuance of Open Commissions to Take Out-of-State Discovery

1. Order Applicable to All Product Liability Plaintiffs In The New York Coordinated Bextra and Celebrex Proceeding. This Order shall apply to all plaintiffs who allegedly suffered personal injury from taking Bextra and/or Celebrex in cases currently pending in the Supreme Court of the State of New York, County of New York, and to all related product liability actions that have been or will be originally filed in, transferred to, this Court and assigned thereto (collectively, "the Coordinated Proceeding"). This Order is binding on all parties and their counsel in all product liability cases currently pending or subsequently made a part of this proceeding and shall govern each case in the Coordinated Proceeding except for good cause shown.

2. Scope of Order. Pursuant to paragraph 13(c) of Case Management Order No. 2, the parties have consented and agreed to the following expedited procedure for the issuance of a commission or a letter rogatory ("Commission") that may be necessary to conduct depositions of or obtain documents from non-party witnesses located outside the State of New York.

3. Expedited Procedure.

a. Applications for the issuance of a Commission may be presented by letter to the Court from the requesting party's counsel, on five days notice, by using the form Commission attached hereto as Exhibit A. Absent opposition from any other party, the Court shall issue an Order granting the Commission by signing the proposed Commission, inform the requesting party that the Commission has been signed, and the requesting party may thereafter appear before the Court in person to receive the signed Commission. The requesting party must

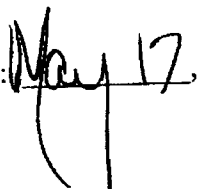
serve all parties with copies of the signed Commission, and file the signed Commission with the Clerk of the Court, if so ordered, or if otherwise required by applicable law.

b. Upon the granting of the Order issuing the Commission, the requesting party's counsel is hereby authorized and empowered to secure from the appropriate judicial authorities the issuance of subpoenas ad testificandum and duces tecum, or such other subpoenas as are necessary to compel the production of documents prior to the commencement of deposition and the testimony of the designated non-party witness.

c. Any party opposing the issuance of the Commission shall submit a letter to the Court within the five-day notice period in response to the applying party's letter request, succinctly explaining the grounds for opposing the issuance of the Commission. If the Court receives such an opposition within the five day notice period, the Court may choose to overrule any objections stated therein and issue the Commission. If the Court does not choose to overrule the objections, the applying party shall be permitted to file the application through a formal motion by Order to Show Cause or by Notice of Motion. Given the deadlines governing discovery in cases subject to this Coordinated Proceeding, the requesting party may seek expedited consideration of the motion, and requests for extensions of time to oppose the motion or to adjourn the return date of any such motion will be granted only upon a showing of good cause for the extension or adjournment. The motion will be considered and decided by the Court, on a date to be determined.

SO ORDERED.

Dated: May 17, 2007




SHIRLEY WERNER KORNREICH
J.S.C.

FILED
MAY 21 2007
NEW YORK
COUNTY CLERK'S OFFICE

EXHIBIT A

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

IN RE: NEW YORK BEXTRA AND CELEBREX
PRODUCT LIABILITY LITIGATION

Index No. 762000/06

OPEN COMMISSION

THIS DOCUMENT APPLIES TO ALL CASES

THE PEOPLE OF THE STATE OF NEW YORK

TO:

KNOW YE, that we, with full faith in your prudence and competency, and pursuant to Rule 3108 of the New York Civil Practice Law and Rules ("CPLR"), have appointed you Commissioner, and by these presents do authorize you or any of you to administer an oath and issue or request process to compel _____, located at _____, a non-party witness in the action captioned above and pending in the Supreme Court of the State of New York, New York County, to come before you for the purpose of giving a deposition upon oral examination before trial [and to produce the items described in Schedule A annexed hereto] in the manner prescribed by and in accordance with the rules of this Court and Article 31 of the CPLR.

WE REQUEST THAT YOU or any other duly authorized person who may administer oaths pursuant to the laws of the State of _____, do cause the witness to come before you at certain times and places to be by you appointed and to be then and there placed under oath and to be examined by the moving party and cross-examined by the non-moving party on matters in controversy in the action; [that the witness be required to produce the items described in Schedule A annexed hereto]; that the testimony of the witness be reduced to writing,

subscribed by the witness and certified to be correct, and be annexed to this Commission with any exhibits produced and proven before you, and that you return the same to the Clerk of the Supreme Court of the State of New York, by certified or registered mail, or by hand delivery, with all convenient speed. You are to be governed in these undertakings by the applicable laws of the State of New York.

Pursuant to Rule 3102(e) of the CPLR: "(w)hen under any mandate, writ or commission issued out of any court of record in any other state, territory, district or foreign jurisdiction, or whenever upon notice or agreement, it is required to take the testimony of a witness in the state, he may be compelled to appear and testify in this same manner and by the same process as may be employed for the purpose of taking testimony in actions pending in the state. The supreme court or a county court shall make any appropriate order in aid of taking such a deposition." In accordance with the foregoing, we shall be ready, willing and able to do the same for you, as we are asking you to do herein, in a similar case when required.

IN TESTIMONY WHEREOF, the seal of the Supreme Court of the State of New York, County of New York is hereto affixed.

WITNESS the Honorable _____, one of the Justices of our Supreme Court, County of New York, this _ day of _____, 2007.

Clerk

Per Deputy