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| IN RE: NEW YORK BEXTRA AND CELEBREX | : |
| PRODUCT LIABILITY LITIGATION | : |
| -----X | : |
| THIS DOCUMENT APPLIES TO ALL CASES | : |
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CASE MANAGEMENT
ORDER NO. 16

FILED

MAY 21 2007

NEW YORK
COUNTY CLERK'S OFFICE

I. Scope Of Order

1. Order Applicable To All Product Liability Plaintiffs In The New York Discovery and Trial Pool. 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, or transferred to, this Court and assigned thereto (collectively, the “Coordinated Proceeding”) and that are made part of the Discovery and Trial Pool pursuant to Case Management Order No. 13. This Order is binding on all parties and their counsel in all cases currently pending or subsequently made a part of these proceedings that are included in the Discovery and Trial Pool. This Order shall apply to case-specific depositions taken in cases in the Discovery and Trial Pool and shall not be construed to apply to any other depositions.

II. Identification of Responsible Counsel

2. Identification of Counsel Primarily Responsible for Case-Specific Discovery for Random Selections and Opposing Party Selections. Within fourteen days of a Plaintiff's selection for the Discovery Pool (either randomly or by the opposing party), Plaintiff's Counsel-of-Record and Pfizer Defendants' Counsel-of-Record, or either side's respective Liaison

Counsel, shall identify an attorney (and that attorney's firm) designated as the contact person for case-specific discovery issues pertaining to that Plaintiff.

III. Case-Specific Deposition Notices

3. Scheduling. Absent extraordinary circumstances, Plaintiff's counsel and Pfizer Defendants' counsel shall confer in advance with each other to schedule case-specific depositions so that they go forward at mutually convenient times and places.

4. Advance Notice: Twenty-One/Ten Days. Absent agreement of counsel or good cause shown, case-specific depositions (including any requests for documents or subpoenas in connection with a deposition notice) shall be noticed at least twenty-one (21) days in advance, unless there remains fewer than thirty-one (31) days in which time discovery must be completed pursuant to prior case management orders, or agreement by the parties. Where there remains fewer than thirty-one (31) days in which time discovery must be completed, case-specific depositions shall be noticed at least ten (10) days in advance. Depositions of Pfizer sales representatives shall be addressed by a separate Order.

5. Location of Depositions of Plaintiffs. Absent agreement of counsel and the witness, or good cause shown, case-specific depositions of plaintiffs shall be held in New York County, State of New York.

IV. Conduct Of Case-Specific Depositions

6. Length. Absent agreement of counsel or good cause shown, case-specific depositions shall be limited to one seven-hour day, excluding breaks.

7. Fees. If a witness is entitled to an hourly fee, each side shall pay their representative share of the fees and expenses incurred during the deposition based upon the length of their respective questioning.

V. Disputes Regarding Case-Specific Discovery

8. Cooperation. Counsel are expected to cooperate and make good faith efforts to avoid involving the Court in any discovery disputes relating to case-specific discovery, including any disputes that arise during a deposition.

9. Procedure for Resolving Case-Specific Discovery Disputes.

a. Case-Specific Discovery Disputes in General. Where counsel have a dispute relating to case-specific discovery, which they cannot resolve with opposing counsel, counsel shall confer regarding a schedule and method (*i.e.*, a formal motion, letter briefs, oral argument, or informal discussion) for the parties to present the dispute to the Special Master. Case-specific discovery disputes shall be presented to the Special Master in coordination with Plaintiff's Liaison Counsel, members of the Plaintiffs' Steering Committee, and Defendants' Liaison Counsel. All provisions of Case Management Order No. 1, Section VIII, paragraph B, relating to the parties' obligation to meet and confer with respect to motion practice remain in full force and effect.

b. Case-Specific Discovery Disputes During Depositions. Where counsel have a dispute relating to case-specific discovery that arises during a deposition that cannot be resolved, counsel attending the deposition shall determine if it is necessary to attempt to present the dispute to the Special Master before the deposition is adjourned.

SO ORDERED.

Dated: May 7 2007

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MAY 21 2007

NEW YORK
COUNTY CLERK'S OFFICE


SHIRLEY WARNER KORNREICH
Shirley W. Kornreich, J.S.C. J.S.C.