

ORDER

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

PRESENT: MARCY S. FRIEDMAN
Justice

PART 57

Master Index No. 765000/06

In re: Neurontin Product Liability Litig.

Joshua Delaney
- v -

Pfizer, Inc.

INDEX NO.

117852/04

MOTION DATE

MOTION SEQ. NO.

MOTION CAL. NO.

The following papers, numbered 1 to _____ were read on this motion to/for _____

PAPERS NUMBERED

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits

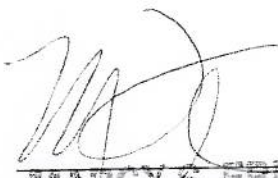
Replying Affidavits

Cross-Motion: ☐ Yes ☒ No

Upon the foregoing papers, it is ordered that this motion

The accompanying Case Management
Order #11 was so ordered by this
Court on January 20, 2010.

Dated: 1/20/10


MARCY S. FRIEDMAN, J.S.C.

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION

Check if appropriate:

☐ DO NOT POST ☐ REFERENCE

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
FOR THE FOLLOWING REASON(S):

CMO #11

1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK - CIVIL TERM - PART 57

-----X
IN RE: NEW YORK NEURONTIN PRODUCTS LIABILITY
LITIGATION,

Plaintiff,

-against-

PFIZER, INC., PARKE-DAVIS, A DIVISION OF
WARNER-LAMBERT COMPANY AND WARNER-LAMBERT COMPANY,
LLC, WARNER-LAMBERT COMPANY, WARNER-LAMBERT C,

Defendants.

-----X
80 Centre Street
New York, New York
December 22, 2009

B E F O R E:

HONORABLE MARCY FRIEDMAN,

Justice

A P P E A R A N C E S:

FINKELSTEIN & PARTNERS
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Four Times Square
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CATHERINE B. STEVENS, ESQ.

JOHN PHELPS, CSR, RPR, CRR
SENIOR COURT REPORTER

Proceedings

1
2 THE COURT: On the record. The record
3 will reflect that we have held an extensive case
4 management conference off the record. I will now
5 place my rulings on the record.

6 One: Plaintiff is granted an extension
7 until January 29, 2010, to certify the cases in
8 which no administrator or personal representative
9 has, as yet, been appointed.

10 Two: The December 7, 2009 deadline in
11 case management order number nine is extended to
12 January 29th. The Court is advised that certain
13 of the physicians have failed to appear for their
14 depositions and that is the reason for the
15 extension of this deadline.

16 In the event the physicians do not
17 appear voluntarily by the new deadline, any
18 motions to compel their attendance or for other
19 sanctions will be brought on by order to show
20 cause by January 29th.

21 Three: Defendant will move by order to
22 show cause by February 16th for an order
23 transferring the Ballo case to its home county or
24 for other similar relief.

25 Four: At the parties' request and with
26 their consent, the five cases that were selected

Proceedings

for initial discovery will be cases in which full fact discovery will be conducted and from which the cases will be selected for trial before this Court. These cases are Wargo, Young, Caporale, Ballo and Marmol.

Five: The deadline for completion of full fact discovery in the selected cases will be June 30, 2010.

Six: The deadline for selection by the parties of cases to be tried before this Court will be July 9th. Plaintiff shall select one case and defendant shall select one case. The plaintiff's case will be the first to proceed to trial.

Seven: The deadline for plaintiff's expert disclosure in the case selected for trial will be August 9, 2010.

Eight: The deadline for defendant's expert disclosure in the case selected for trial will be September 9, 2010.

Nine: Any case specific summary judgment or other dispositive motions will be brought on by defendant by September 9th. Opposition will be served so received by September 30th. A reply, if any, will be served

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so received by October 14th.

Oral argument on the dispositive motions will be held on October 20th at 10:00 a.m. in this part. The New York County page limit for motions will be followed. Motion papers and memoranda of law will be limited to 25 pages each. The Court requests that two courtesy copies of each parties' papers be filed with the Clerk of this part.

I believe that this concludes the or covers all of the matters discussed at this conference today. If there are any other issues that any of the counsel wishes to place on the record or if I have neglected any of the subjects we discussed, please let me know at this time.

MR. FROMSON: No, your Honor. Thank you very much for your time this morning.

MR. CHEFFO: No, your Honor. Thank you very much for your time.

THE COURT: Thank you. The record is closed.

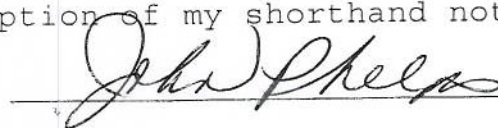
(Whereupon, at this time, the proceedings were concluded.)

C E R T I F I C A T E


I do hereby certify that the foregoing

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taken at the time and place aforesaid, is a true
and correct transcription of my shorthand notes.



JOHN PHELPS, CSR, RPR, CRR

So Ordered
1-20-10


MARCY S. FRIEDMAN, J.S.C.