



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

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IN RE: NEURONTIN
PRODUCT LIABILITY LITIGATION
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: Index No. 765000/06
: X

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THIS DOCUMENT APPLIES TO ALL CASES
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: Hon. Marcy S. Friedman
: IAS Part 57
: X

[PROPOSED] CASE MANAGEMENT ORDER No. 9

WHEREAS, the Court conducted telephone conferences with the parties on ^{July} June 10 and 13, 2009, and identified the following case selection process: (1) counsel for Plaintiffs represented by Finkelstein and Partners LLP and counsel for Defendants will each select (a) one case from the group of certified cases in which the Plaintiff (or Plaintiff's decedent) resides within approximately 100 miles of the New York County courthouse, as more fully specified in the Stipulation attached as Exhibit A (hereinafter, the "New York 100-mile cases"), and (b) one case from the entire group of certified cases; and (2) the Court, through the parties, will randomly select one case from the remaining New York 100-mile cases, for a total of five selected cases;

WHEREAS, the parties have agreed that initial discovery, to be completed in each of the selected cases, shall consist of medical records collection, written discovery to the plaintiff, deposition of the plaintiff and prescribing physician(s), prescriber-specific written discovery to Defendants, and depositions of any prescriber-specific sales representatives, unless otherwise directed by the Court; and

WHEREAS, the parties have agreed that full fact discovery, to be completed in one or more of the selected cases, to be chosen pursuant to direction by the Court after initial discovery is completed, shall include depositions of additional non-party witnesses;

IT IS HEREBY ORDERED that the schedule for the foregoing case selection and discovery activities shall be:

July 17, 2009	Parties to file joint report identifying their respective New York 100-mile case selections and the Court's random selection from the New York 100-mile cases
August 12, 2009	Deadline for completion of case certification in the remaining cases.
August 17, 2009	Parties to file joint reports identifying their respective additional case selections, and deadline for Plaintiff's counsel to move to withdraw as counsel on those cases not certified
November 6, 2009	Deadline for completion of initial discovery in the selected New York 100-mile cases
December 7, 2009	Deadline for completion of initial discovery in the additional selected cases
December 14, 2009	Deadline for selection of one or more of the five selected cases for full fact discovery, pursuant to direction from the Court
April 5, 2010	Deadline for completion of full fact discovery in the selected cases
June 7, 2010	Deadline for Plaintiffs' expert disclosure in the cases selected for full fact discovery
July 7, 2010	Deadline for Defendants' expert disclosure in the cases selected for full fact discovery

ENTER

Dated: 9-24-09
 MNC pro Tunc as of
7-24-09

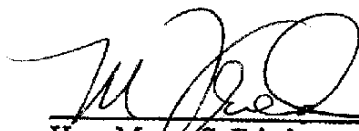

 Hon. Marey S. Friedman
 J.S.C.

EXHIBIT A

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STIPULATION REGARDING CERTIFIED CASES

It is hereby stipulated and agreed, by and between the parties, by their undersigned counsel of record, that the following actions shall be deemed to be certified cases in which the Plaintiff (or Plaintiff's decedent) resides within approximately 100 miles of the New York County courthouse¹:

1. Aull, Ammie
2. Bostic, Sylvia, D.
3. Caporale, Kathy
4. Ellis, Marcie
5. Madden, Melissa
6. Malsch, Joanne
7. Marmol, Alberto
8. Martin, Peter
9. McNamee, Janis
10. Price, Eva (Appointment of Administrator pending)
11. Wargo, Walter
12. Young, William

It is further stipulated and agreed that no party shall object, on forum non conveniens or venue grounds, to the trial in New York County of any of the foregoing actions.

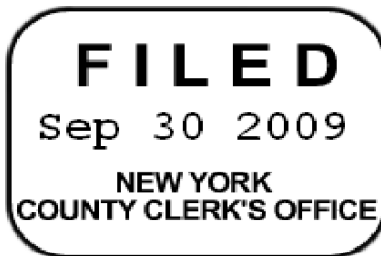
Dated: New York, New York
July 17, 2009

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¹ Plaintiff objects to the Court's exclusion of the action entitled *Scott v. Pfizer, et. al.*, Index No. 402187/06.