

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

-----X  
:  
IN RE: NEW YORK BEXTRA AND CELEBREX  
PRODUCT LIABILITY LITIGATION

Index No. 762000/2006

CASE MANAGEMENT  
ORDER NO. 11

-----X  
:  
THIS DOCUMENT APPLIES TO ALL CASES  
-----X

**FILED**  
SEP 22 2006  
NEW YORK  
COUNTY CLERKS OFFICE

**Electronic Filing**

**I. Scope Of Order**

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, or 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 part of these proceedings.

**II. The Parties’ Agreement Regarding Electronic Filing**

2. Consent To Electronic Filing. Representatives of Plaintiffs’ and Defendants’ Liaison Counsel have met and conferred, and have jointly presented this Order setting forth the parties’ agreement and consent to electronic filing for all present and future cases in the Coordinated Proceeding, pursuant to terms set forth below.

3. Service Of Summons, Summons With Notice, And Complaints Not Affected.  
The procedures for service of Summons, Summons With Notice, or Complaints in the

Coordinated Proceeding shall be governed by the Civil Practice Law and Rules, the Uniform Rules for Trial Courts, and any current or future Case Management Orders. Those procedures shall not be affected or altered by electronic filing. Specifically, the parties' consent to electronic filing shall not affect, alter, or replace the required service of process of all Summons, Summons With Notice, and Complaints on any Defendant in paper form in the manner provided in the Civil Practice Law and Rules, the Uniform Rules for Trial Courts, and any current or future Case Management Orders.

4. In Present Cases, Electronic Filing To Take Effect Upon Filing Of An Omnibus Joint Consent To Electronic Filing Form. In those cases filed and served on or before October 31, 2006 ("Present Cases"), the parties shall file an Omnibus Joint Consent To Electronic Filing Form signed by Plaintiffs' and Defendants' Liaison Counsel, stating that the parties consent to the use of electronic filing in this Coordinated Proceeding, and providing the names, firms, and e-mail addresses of Plaintiffs' and Defendants' Liaison Counsel, their designated representatives, and Plaintiffs' Steering Committee and establishing a general case file entitled "In re: Bextra and Celebrex Product Liability Litigation" and bearing Index No. 762000/2006. In addition, the Omnibus Joint Consent to Electronic Filing Form shall attach an appendix identifying all Present Cases by name, index number, and the name, firm, and e-mail addresses of the plaintiff's counsel and counsel for any non-Pfizer defendants. The Omnibus Joint Consent To Electronic Filing Form shall be filed and served by November 15, 2006, and, upon filing, Electronic Filing shall take effect for all Present Cases.

5. In Future Cases, Electronic Filing To Take Effect Upon Filing Of Complaint, Affidavits Of Service, And Plaintiff's Consent To Electronic Filing Form. In those cases served after October 31, 2006 ("Future Cases"), electronic filing shall take effect upon the filing of a

complaint, the necessary affidavits of service for each named defendant, and a completed Plaintiff's Consent to Electronic Filing Form. A sample Plaintiff's Consent to Electronic Filing Form is attached as Exhibit A. This form shall be prepared, filed, and served by the plaintiff's attorney, indicating that the plaintiff's attorney and Pfizer Defendants' counsel consent to the use of electronic filing, and provide one or more e-mail addresses for the plaintiff's attorney, as well as the following e-mail addresses for Pfizer Defendants' counsel:

- Pfizer Defendants' Bextra/Celebrex General Mailbox  
DLA Piper US LLP  
E-mail address: [bextracelebrexfiling@dlapiper.com](mailto:bextracelebrexfiling@dlapiper.com);
- Christopher M. Strongosky, Esq.  
DLA Piper US LLP  
E-mail address: [christopher.strongosky@dlapiper.com](mailto:christopher.strongosky@dlapiper.com); and
- Christopher G. Campbell, Esq.  
DLA Piper US LLP  
E-mail address: [christopher.campbell@dlapiper.com](mailto:christopher.campbell@dlapiper.com).

The appearance of these names and e-mail addresses on any Plaintiff's Consent To Electronic Filing Form shall not be deemed an appearance by any Pfizer Defendant. Pfizer Defendants shall not be required to file a Consent To Electronic Filing Form for Future Cases. In Future Cases naming only Pfizer Defendants, the plaintiffs' counsel shall not be required to file or serve a Notice of Availability of Electronic Filing Form.

6. Future Cases Naming Non-Pfizer Defendants. In those Future Cases that name non-Pfizer defendants, the plaintiff's attorney shall, at the same time as the complaint is served on any non-Pfizer defendant, also file and serve a Notice of Availability of Electronic Filing Form and a Defendant's Consent To Electronic Filing Form, which are attached hereto as Exhibits B and C, respectively. The non-Pfizer defendant's counsel shall then have 30 days from the date of service to either consent or decline to participate the Court's electronic filing system.

7. Notice Regarding Availability Of Electronic Filing Form Not Required. With the exception of Future Cases naming non-Pfizer defendants (discussed in paragraph six directly above), this Case Management Order No. 11 shall take the place of the Notice Regarding Availability Of Electronic Filing Form, and that form shall not be required to be filed or served by any party.

8. Service Through Electronic Filing. This paragraph modifies and supercedes the requirements for service set forth in Section 202.5-b(g) of the Electronic Filing Rules. In this Coordinated Proceeding, all parties who have consented to electronic filing are deemed to have consented to service through the Court's electronic filing system, with the exception of service of Summons, Summons With Notice, or Complaints, as discussed in paragraph two above. To effect service in this Coordinated Proceeding, a party need only file through the Court's electronic filing system and then rely upon the Court's system to distribute all filed materials to the other parties' respective e-mail addresses. To document service, a party filing materials through the Court's electronic filing system need only print and save a confirmation of filing those materials with the Court's system. This confirmation need not be filed in the Court. With respect to any parties who refuse to consent to electronic filing, the filing party shall serve those parties in paper form and document such service with an affidavit of service to be filed with the Court along with the filed materials. It is the filing party's responsibility to know whether the parties requiring service have consented to electronic filing.

9. All Other Procedures, Including Those Related To "Secure" Documents, Governed By The Electronic Filing Rules. Except as indicated herein, all other filing, service, and all other procedures, including those related to documents designated by one or more parties

as "secure," shall be governed by and pursuant to the New York rules regarding electronic filing as set forth in Section 202.5-b of the Uniform Rules for Trial Courts.

**III. Registration For Electronic Filing**

10. In Present Cases, All Counsel Shall Register By October 31, 2006. Counsel in Present Cases shall register for electronic filing promptly, but no later than October 31, 2006. Counsel shall register by submitting a Filing User Registration Form to obtain the confidential Filing User Identification Number and Password necessary to use the system. This form is available in the "forms" section of the Court's Website, which is accessed by clicking on "E-Courts" at [www.nycourts.gov](http://www.nycourts.gov). Once registered, counsel shall not have to register for each case.

11. In Future Cases, Plaintiff's Counsel And Non-Pfizer Defendants' Counsel Shall Register Within Ten Days Of Filing Their Respective Consent To Electronic Filing Forms. In Future Cases, the plaintiff's counsel shall register for electronic filing as set forth above no later than ten days after the filing and service of the Plaintiff's Consent To Electronic Filing Form, as set forth in paragraph five above. In Future Cases, the counsel for non-Pfizer defendants shall register for electronic filing as set forth above no later than ten days after the filing and service of the Defendant's Consent To Electronic Filing Form.

SO ORDERED.

Dated: Sept 21, 2006

  
**SHIRLEY WERNER KORNREICH**  
**J.S.C.**  
Hon. Shirley A. Kornreich, J.S.C.

**FILED**  
SEP 22 2006  
NEW YORK  
COUNTY CLERKS OFFICE

# EXHIBIT A

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

-----X  
: Index No. 762000/2006  
IN RE: NEW YORK BEXTRA AND CELEBREX :  
PRODUCT LIABILITY LITIGATION : PLAINTIFF'S CONSENT  
: TO ELECTRONIC FILING  
:-----X  
Plaintiff(s) name, :  
: :  
- against - : Index No. [insert number]  
: :  
Defendant(s) name, :  
: :  
-----X

Pursuant to Case Management Order No. 11 § II(5), I, \_\_\_\_\_, submit this Plaintiff's Consent in the above-entitled action and state as follows:

1. I, \_\_\_\_\_, am a plaintiff or an attorney for plaintiff. I consent to the use of electronic filing in this case and provide the following e-mail addresses for the purposes of service and giving notice of each filing pursuant to the terms set forth in Case Management Order No. 11:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

2. Counsel for Pfizer Defendants consent to the use of electronic filing in this case and provide the following e-mail addresses for the purposes of service and giving notice of each filing pursuant to the terms set forth in Case Management Order No. 11:

1. Pfizer Defendants' Bextra/Celebrex General Mailbox  
DLA Piper US LLP  
E-mail address: [bextracelebrefiling@dlapiper.com](mailto:bextracelebrefiling@dlapiper.com);
2. Christopher M. Strongosky, Esq.  
DLA Piper US LLP  
E-mail address: [christopher.strongosky@dlapiper.com](mailto:christopher.strongosky@dlapiper.com); and
3. Christopher G. Campbell, Esq.  
DLA Piper US LLP  
E-mail address: [christopher.campbell@dlapiper.com](mailto:christopher.campbell@dlapiper.com).

3. The appearance of the above names and e-mail addresses of Pfizer Defendants' counsel shall not be deemed an appearance by Pfizer Defendants in this case. Pursuant to Case Management Order No. 11 § II(5), Pfizer Defendants shall not be required to file a separate Consent to Electronic Filing form.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

Attorney for \_\_\_\_\_

\_\_\_\_\_  
Telephone Number

# EXHIBIT B

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

-----X  
: Index No. 762000/2006  
:  
:  
IN RE: NEW YORK BEXTRA AND CELEBREX : NOTICE OF  
PRODUCT LIABILITY LITIGATION : AVAILABILITY OF  
: ELECTRONIC FILING  
:  
-----X  
Plaintiff(s) name, :  
:  
- against - : Index No. [insert number]  
:  
Defendant(s) name, :  
:  
-----X

PLEASE TAKE NOTICE that Plaintiffs and Pfizer Defendants in the above-captioned action consent and intend that this action proceed as an electronically-filed case pursuant to the terms set forth in Case Management Order No. 11. Service of papers by electronic means cannot be made upon a party unless that party consents to use of the system.

Under Case Management Order No. 11 § II(6), each non-Pfizer defendant shall have 30 days from the date of service to either consent or decline to participate in the Court's electronic filing system. Each non-Pfizer Defendant that consents shall file a Defendant's Consent to Electronic Filing form, which is provided herewith.

**General Information**

In New York state court practice, actions may be commenced and cases processed by means of the electronic filing system in the following types of cases: (1) tax certiorari claims in the Supreme Court in New York City and in Monroe, Westchester, and Suffolk Counties; (2) tort claims, and commercial claims in the Commercial Division, in the Supreme Court in New York City and in Albany, Monroe, Nassau, Suffolk, and Westchester counties; (3) commercial claims in the Commercial Division of Supreme Court, and proceedings in Surrogate's Court, in Erie County; and (4) selected claims against the State of New York.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the Court and served in a simple, convenient, and expeditious manner. Electronic filing case documents are filed with the court by filing on the Court website, which can be accessed any time day or night by going to [www.nycourts.gov](http://www.nycourts.gov) and clicking on "E-Courts." In this litigation, electronic filing is governed by Case Management Order No. 11 and, where applicable, Section 202.5-b of the Uniform Rules for Trial Courts.

### Instructions

1. Non-Pfizer defendants are strongly encouraged to consent to electronic filing.
2. Pursuant to Case Management Order No. 11 § II(6), you have 30 days from the date of service to either consent or decline to participate in electronic filing. To consent, you must file a Defendant's Consent to Electronic Filing form, which is provided herewith.
3. Pursuant to Case Management Order No. 11 § III(11), you have ten days from the date of filing a Defendant's Consent to Electronic Filing form to register for electronic filing on the Court's website, by going to [www.nycourts.gov](http://www.nycourts.gov), clicking on "E-courts," clicking on "Electronic Filing," clicking on "Forms," and accessing the attorney registration form.
4. For additional information about electronic filing, see the *User's Manual* and *Frequently Asked Questions* on the Court website or contact the Electronic Filing Resource Center at (646) 386-3033.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Firm)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(Phone)  
\_\_\_\_\_  
(Fax)  
\_\_\_\_\_  
(E-Mail)

Attorney(s) for \_\_\_\_\_

# EXHIBIT C

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

-----X  
IN RE: NEW YORK BEXTRA AND CELEBREX : Index No. 762000/2006  
PRODUCT LIABILITY LITIGATION :  
 : DEFENDANT'S CONSENT  
 : TO ELECTRONIC FILING  
-----X  
Plaintiff(s) name, :  
 :  
 - against - : Index No. [insert number]  
 :  
Defendant(s) name, :  
 :  
-----X

Pursuant to Case Management Order No. 11 § II(6), I, \_\_\_\_\_, am a non-Pfizer defendant or an attorney for a non-Pfizer defendant. I consent to the use of electronic filing in this case and provide the following e-mail addresses for the purposes of service and giving notice of each filing pursuant to the terms set forth in Case Management Order No. 11:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

As required under Case Management Order No. 11 § II(6), I attest that I filed this Defendant's Consent to Electronic Filing within 30 days of service.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

Attorney for \_\_\_\_\_

\_\_\_\_\_  
Telephone Number