

PRESENT:

Honorable Helen E. Freedman, J.S.C.

Set # 2

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

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IN RE: NEW YORK REZULIN PRODUCT LIABILITY Index No. 752,000/00

----- X

THIS DOCUMENT APPLIES TO ALL REZULIN CASES CASE MANAGEMENT
IN THE SUPREME COURT OF THE STATE OF ORDER NO. 1
NEW YORK November 27, 2000

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I. Applicability of This Order

This Order applies to pre-trial procedures for cases involving Rezulin which are presently or hereafter assigned to the undersigned.

II. Objectives

1. It is the objective of the Court to bring about the fair and economical resolution of the Rezulin cases. This Case Management Order No. 1 ("CMO No. 1") is the first of what are contemplated to be a series of Case Management Orders and other Orders intended to achieve that objective.

III. Filing Procedures

A. Files

1. The cases herein have been centralized, not consolidated. The Court hereby directs that a master file, known as New York Rezulin Product Liability Litigation Master file (the "Rezulin Master File"), Index No. 752,000/00 shall be established (without fee) in the Office of the Clerk of New York County for all Rezulin cases assigned to the undersigned. The original of this Order shall be filed by the County Clerk in the Rezulin Master File, and a copy shall be deemed to be part of the record of each coordinated action. All subsequent entries on the Rezulin Master File shall also be applicable to all of the Rezulin cases.
2. A separate file shall also be maintained in the Office of the Clerk of New

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York County under a separate Index Number for each individual Rezulin case assigned to this Court, and entries shall be made therein in accordance with this Order. Within thirty days after the entry date of this CMO No. 1, Plaintiffs' Liaison Counsel (to be hereafter designated) in cooperation with each plaintiffs attorney of record, shall provide to the Court and to Defendants' Liaison counsel, Glenn Pogust of Kaye, Scholer, Fierman, Hays & Handler, LLP, a list of all plaintiffs and the index number assigned to each individual action. This list of index numbers and plaintiffs shall be amended (from time to time) by Plaintiffs' Liaison Counsel to reflect the final resolution of a case, the commencement of a new case or the transfer of an existing case to or from this Court.

B. Captions of Cases

1. Every document filed in these coordinated actions shall bear a caption as follows:

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

----- X Index No.
 IN RE: NEW YORK REZULIN PRODUCTS 752,000/00
 LIABILITY LITIGATION

----- X
 THIS DOCUMENT APPLIES TO ALL REZULIN
 CASES IN THE SUPREME COURT OF THE
 STATE OF NEW YORK
 ----- X

2. If a document relates to all the Rezulin cases, the following will be added to the caption:

THIS DOCUMENT APPLIES TO ALL CASES

3. If, instead, a document relates to one or more specific cases but not to all cases, the specific caption(s) for the cases to which the paper is applicable will be added as follows:

Plaintiff(s) name,
 -against- Index No. [individual case number]

Defendants(s) name

C. Filing of Cases

1. When a paper has general application to all the Rezulin cases, the caption (as set forth in paragraph III.B.2 above) shall so indicate and shall bear index number _____, and the Clerk of New York County shall file such a paper in the Master File. No further copies of the papers need to be filed. Any document so filed shall be deemed to have been filed in each case to which this Order applies and shall constitute part of the record of each such case.
2. When a paper is applicable only to an individual case, the attorney submitting such paper for filing shall caption the paper (as set forth in paragraph III.B.3 above) to indicate the case(s) to which it is applicable. The Clerk of New York County shall not file such a paper in the Rezulin Master File, rather, after receipt by the Clerk, the Clerk shall file the original in the first captioned individual case file under the appropriate index number and shall file copies of the paper in any other cases to which it applies. It shall be the responsibility of the attorney submitting the paper for filing to supply the County Clerk with sufficient copies of any such paper to facilitate compliance with the directions of this paragraph.
3. The filing of a motion or other paper in the Rezulin Master File or individual case file shall not confer standing on a party where it does not otherwise exist.

IV. Further Matters

Defendants' Liaison Counsel are hereby directed to mail a copy of this Order to all counsel who have appeared in these actions for plaintiffs and defendants.

SO ORDERED.

Dated: November 27, 2000
New York, New York


Helen E. Freedman, J.S.C.

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