

Sub # 8
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PRESENT:

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

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

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IN RE: NEW YORK REZULIN
PRODUCT LIABILITY LITIGATION

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Index No. 752,000/00

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

CASE MANAGEMENT
ORDER NO. 6
October 29, 2001

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TRIAL PREPARATION GROUP SELECTION

Pursuant to Case Management Order No. 1 ("CMO No. 1") entered in these coordinated cases on November 27, 2000, this Court, *inter alia*, established committees of Plaintiffs' and Defendants' counsel to coordinate discovery and to address case management issues. Representatives of the Plaintiffs and Defendants have met and conferred, and have jointly presented this Order setting forth the procedure to be followed regarding a protocol for selecting cases for concentrated discovery proceedings with the intent that they be the first cases scheduled for trial. This Order and the protocol contained herein shall apply to all Rezulin cases which are presently or hereafter assigned to this Court for pre-trial purposes.

I. **Selection of Cases**

1. Cases designated pursuant to this Order shall receive concentrated attention for discovery with the intent that they be the first cases scheduled for trial.
2. By no later than November 15, 2001, Plaintiffs' Liaison Counsel shall provide this

Court and Defendants with a list of no more than twelve (12) cases which shall be designated as the November 2001 Trial Preparation Group.

3. By no later than ten (10) days from the date Plaintiffs' Liaison Counsel provides Plaintiffs' list of twelve (12) cases to this Court and to Defendants, Defendants' Liaison Counsel shall provide to this Court and to Plaintiffs a list of no more than three (3) cases for inclusion into the November 2001 Trial Preparation Group.

4. By no later than May 15, 2002, Plaintiffs' Liaison Counsel shall provide this Court and Defendants with a list of no more than twelve (12) cases which shall be designated as the May 2002 Trial Preparation Group.

5. By no later than ten (10) days from the date Plaintiffs' Liaison Counsel provides Plaintiffs' list of twelve (12) cases to this Court and to Defendants, Defendants' Liaison Counsel shall provide to this Court and to Plaintiffs a list of no more than three (3) cases for inclusion into the May 2002 Trial Preparation Group.

6. Each subsequent November and May, an additional fifteen (15) cases, twelve (12) chosen by Plaintiffs' Liaison Counsel, and three (3) chosen by Defendants' Liaison Counsel, will be designated as a Trial Preparation Group, in accordance with the procedures set forth in paragraphs 2 through 5.

7. Within sixty (60) days of the date of this Order, Liaison Counsel for Plaintiffs and Defendants shall submit a proposed order regarding a procedure for scheduling expert disclosure, pre-trial motions, the exchange of exhibit lists, deposition designations and other pre-trial matters in the Trial Preparation Group cases.

II. **Further Matters**

1. Nothing in this Order shall be construed to order consolidated or joint trials of any cases. The parties reserve the right to petition this Court for consolidated or joint trials at a later date.

2. Cases not designated as part of the Trial Preparation Group shall proceed in accordance with this Court's previous and all subsequent Case Management Orders.

3. 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.

Dated: October 29, 2001
New York, New York

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ENTER:



Helen E. Freedman, J.S.C.