

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 PRODUCTS
LIABILITY LITIGATION
----- X

Master Index Number
752,000/00

THIS DOCUMENT APPLIES TO ALL REZULIN :
CASES :

CASE MANAGEMENT ORDER
No. 9

IN THE SUPREME COURT OF THE STATE OF :
NEW YORK :

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TRIAL SCHEDULING AND PRE-TRIAL DISCLOSURES

Pursuant to Case Management Order No. ("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 in these cases and to address case management issues. Representatives of the Plaintiffs and Defendants have met and conferred, and have jointly presented this Order setting a schedule for pre-trial disclosure. This Order and schedule contained herein shall apply to the following Rezulin cases identified as a part of the Trial Preparation Group 2.

I. Pre-Trial Procedures for Trial Preparation Group Cases

A. This pre-trial schedule of disclosure shall apply to the following:

1. Elizabeth Sass (Seeger Weiss)
2. Sydelle Fischer (Bernstein)
3. Polina K. Shkolnikova (Weitz & Luxenberg)
4. Theresa M. Beito (Seeger Weiss)
5. Antonio Cruz (Seeger Weiss)

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B. Pre-Trial Deadlines:

- a. Monday, June 3, 2002 Completion of Defendants' Physical Examination(s) of Plaintiffs
- b. Monday, June 3, 2002 Service of Plaintiffs' 3101(d) Expert Witness Disclosure
- c. Monday, June 3, 2002 All Non-Party Depositions to be completed
- d. Monday, June 3, 2002 Plaintiffs to Serve Deposition Designations
- e. Tuesday, June 4, 2002 Plaintiffs to File Note of Issue
- f. Monday, June 17, 2002 Service of Defendants' 3101(d) Expert Witness Disclosure
- g. Monday, June 17, 2002 Copy of the Defendants' Physician's Report to be Furnished to Plaintiffs
- h. Monday, June 17, 2002 Parties to Exchange Exhibit Lists
- i. Monday, June 17, 2002 Plaintiffs to Serve Live Witness List
- j. Monday, June 24, 2002 Defendants to Serve Live Witness List
- k. Monday, June 24, 2002 Defendants to Serve Counter Deposition Designations and Objections to Designations
- l. Tuesday, July 2, 2002 Plaintiffs to Serve Objections to Defendants' Counter Designations
- m. Monday, July 8, 2002 Completion of Expert Depositions
- n. Thursday, July 11, 2002 Status Conference with the Court including conference regarding Deposition Designations
- o. Thursday, July 18, 2002 Parties to Serve Any Dispositive Motions and/or Motions Relating to the Admissibility of Expert Testimony
- p. Monday, July 22, 2002 Parties to Serve Motions In Limine
- q. Thursday, August 1, 2002 Opposition to Dispositive Motions and Motions Relating to the Admissibility of Expert Testimony
- r. Tuesday, August 6, 2002 Opposition Papers to Motions In Limine Due

- s. Thursday, August 8, 2002 Reply Papers to Dispositive Motions and Motions Relating to the Admissibility of Expert Testimony
- t. Monday, August 12, 2002 Oral Argument of Dispositive Motions and Motions Relating to the Admissibility of Expert Testimony
- u. Monday, August 12, 2002 Oral Argument of Motions in Limine
- v. Wednesday, Aug. 14, 2002 Jury Selection of Initial Cases or other date to be Determined by this Court or Transferee Court.

III Other Matters

1. With respect to the pre-trial deadlines set forth in section II(B) above, the Court will consider additional Case Management Orders regarding the procedures and protocols for such discovery. The parties will confer and agree upon the protocols for same.

2. With respect to the pre-trial deadlines set forth in section II(B) above, the deadlines are subject to modification by this Court or upon good cause shown.

3. This Order is without prejudice to the right of any party to seek other or further discovery or relief from discovery upon good cause shown.

4. The plaintiffs shall serve and file Notes of Issue and Certificates of Readiness in accordance with Section II of this Order. Any motions to vacate a Note of Issue shall be made in accordance with the Uniform Rules for the New York State Trial Courts § 202.21.

5. For Eligible Cases to be tried in counties outside of New York County, the trial date set by the undersigned shall not be binding on the court, but shall indicate the date by which all parties must be prepared for trial, in accordance with the pre-trial procedures described in Section II of this Order.

6. Defendant's Liaison Counsel is hereby directed to serve a copy of this Order with Notice of Entry upon all counsel who have appeared in these actions for Plaintiffs and Defendants.

Dated: New York, New York

Feb 26, 2002



J.S.C.