

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
IN RE NEURONTIN MARKETING, SALES)	
PRACTICES, AND PRODUCTS LIABILITY)	
LITIGATION)	MDL Docket No. 1629
_____)	Master File No. 04-10981
THIS ORDER RELATES TO:)	Judge Patti B. Saris
ALL PRODUCTS LIABILITY ACTIONS)	Mag. Judge Leo T. Sorokin
_____)	

PRODUCTS LIABILITY CASES SCHEDULING ORDER AND STATUS REPORT

July 24, 2009

SOROKIN, M.J.

1. Products Liability Track 1 Discovery Schedule and Status

The Bulger case is set for trial before Judge Saris beginning July 27, 2009.

The discovery in the Smith case is complete

In addition to Bulger, three other Track One cases are from the District of Massachusetts.¹

Of these three, Shearer, 07-11428-PBS, will proceed first to trial at the suggestion of counsel.

The parties shall complete all fact and expert discovery in this matter as well as the briefing of any case specific summary judgment motions by December 18, 2009. The schedule is as follows:

September 30, 2009 - Completion of All Fact Depositions and Discovery

October 1, 2009 - Plaintiffs' Expert Reports Disclosed

October 21, 2009 - Defendants' Expert Reports Disclosed

¹ Shearer, 07-11428-PBS, Huberman v. Pfizer Inc., et al., 07-11336-PBS, and Dorsey v Pfizer Inc., et al., No. 05-10639-PBS.

November 11, 2009 - All Expert Depositions and Discovery Completed

December 2, 2009 - Summary Judgment Motions

December 18, 2009 - Opposition to Summary Judgment Motions

December 22, 2009 - Replies (not to exceed five pages)

The parties are limited to ten fact depositions per side.

The Court will hold a status conference on October 5, 2009 at 3:00 p.m in Courtroom No. 14 to establish a schedule governing the remaining two Massachusetts Track 1 cases.

The common discovery in the non-Massachusetts Track 1 cases is complete.² In each case paper discovery is complete and the parties have deposed the plaintiff, the prescribing physician and the applicable sales representative(s).

2. Products Liability Non-Track 1 Cases Schedule and Status

The paper discovery in all of these cases should be complete and counsel indicated that they believe it is largely complete. The Court will retain these cases solely to coordinate the standard or common fact discovery that will occur in each of these cases – the depositions of the plaintiff, the prescribing physician and applicable sales representatives. Thereafter, the Court will remand these cases and any further fact or expert discovery, as well as any case specific summary judgment motions, will proceed subject to the Orders of the Court in which the case was filed.

² These Track One Cases are:

- (1) *Owens v. Pfizer, Inc., et al.*, CA No. 05-11017-PBS
- (2) *Vercillo v. Pfizer, Inc., et al.*, CA No. 05-11019-PBS
- (3) *Roberson v. Pfizer, Inc., et al.*, CA No. 05-12001-PBS
- (4) *McGee v. Pfizer, Inc., et al.*, CA No. 05-12593-PBS
- (5) *Pursey v. Pfizer, Inc., et al.*, CA No. 07-10106-PBS
- (6) *Dixon v. Pfizer, Inc., et al.*, CA No. 05cv11998-PBS
- (7) *Valentine v. Pfizer, Inc., et al.* No. 07-11067-PBS
- (8) *Woolum v. Pfizer Inc., et al.*, No. 07-10853-PBS
- (9) *Bentley v. Pfizer Inc., et al.*, No. 05-11997-PBS

The Court will allow one year for the foregoing fact discovery to occur (not including the cases filed by Attorneys Levi Boone and Newton Schwartz) with the one year commencing September 15, 2009. The parties will proceed to conduct the discovery first in the Finkelstein law firm cases as the Court is of the view that proceeding with these cases first will enhance the possibilities of a global settlement as well as most efficiently manage the litigation. By September 4, 2009, the parties shall submit a joint proposal to manage and schedule this discovery. This schedule should not encompass the cases filed by Attorneys Boone or Schwartz.

The Court will hold a hearing on October 5, 2009 at 3:00 p.m to address the scheduling and completion of the cases filed by Attorneys Boone and Schwartz.

3. Motion to Establish A Common Benefit Fund (#1129)

This Motion is ALLOWED.

SO ORDERED.

/s/ Leo T. Sorokin
LEO T. SOROKIN
UNITED STATES MAGISTRATE JUDGE