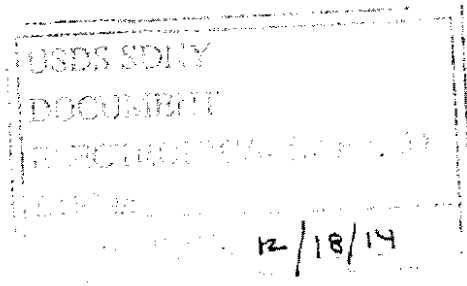


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



-----X  
IN RE: FOSAMAX PRODUCTS LIABILITY :  
LITIGATION :  
-----X  
This Document Relates to: :  
ALL ACTIONS :  
-----X

MDL NO. 1789  
1:06-md-1789 (JFK)

**ORDER SCHEDULING ORAL ARGUMENTS FOR  
MASTER SETTLEMENT AGREEMENT ELIGIBILITY/ALLOCATION APPEALS**

Pursuant to the Master Settlement Agreement (“MSA”) dated March 24, 2014, and pursuant to the April 10, 2014, Order of District Judge John F. Keenan, this Court has been appointed as the General Special Master responsible for the hearing of all eligibility and allocation determination appeals.

There has been a **total of thirty-eight appeals** filed and perfected pursuant to the Master Settlement Agreement and the previously issued Case Management Order Regarding Master Settlement Agreement Eligibility and Allocation Determination Appeals Process. All but fifteen of those appeals have been either withdrawn or resolved. Of the remaining fifteen Claimants who have perfected appeals<sup>1</sup>, there are three categories of appeal presented:

- (1) Eligibility - Pharmacy Proof Requirement
- (2) Eligibility - Proof of ONJ Requirement
- (3) Allocation - Category 4 - Resection Surgery

Pursuant to the Case Management Order Regarding Master Settlement Agreement

<sup>1</sup> One Claimant, Judith Ann Lepore, appeals on two different grounds relating to eligibility.

Eligibility and Allocation Determination Appeals Process, Claimant's Counsel is not required to appear at the hearing and may rest on the written submission; however, counsel for the Eligibility Committee and Allocation Committee will appear and argue every case.

As the General Special Master for the MSA, this Court now enters the following schedules for arguments on the appeals presented.

Monday, January 5, 2015:

Morning Session: 10:00 a.m. (Eligibility: Pharmacy Proof Requirement)

1. General Argument on the MSA Requirement
2. Case-Specific Arguments
  - A. Basil, Elizabeth
  - B. Hayman, Ronnie
  - C. Ladenburger, Jeanette
  - D. Lepore, Judith Ann
  - E. Simpson, Charleszetta

Afternoon Session: 2:00 p.m. (Eligibility: NJ Proof Requirement)

1. General Argument on the MSA Requirement
2. Case-Specific Arguments
  - A. Demsky, Jeri
  - B. Jurich, Ann
  - C. Kirby, Karen
  - D. Lepore, Judith Ann
  - E. Trenk Richard

F. Workman, Anita

Tuesday, January 6, 2015:

Afternoon Session: 2:00 p.m. (Allocation: Category 4- Resection Surgery)


1. General Argument on the MSA Requirement
2. Case-Specific Arguments
  - A. Fowler, Claretha
  - B. Lee, Bronnie
  - C. Rifkin, Lillian
  - D. Stuppiello, Judith
  - E. Wilson, Leonora

The hearings will be heard in Courtroom 18-D of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York.

**IT IS SO ORDERED.**

Dated: New York, New York

December 18, 2014.

  
JAMES C. FRANCIS, IV  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK