

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:08-MD-01928-MIDDLEBROOKS/JOHNSON

IN RE TRASYLOL PRODUCTS LIABILITY
LITIGATION – MDL-1928

This Document Relates to All Actions

**PRETRIAL ORDER NO. 7 RELATING TO CASE-SPECIFIC
DISCOVERY AND PRETRIAL MOTIONS IN ACTIONS NOT
SELECTED FOR INITIAL TRIAL POOL**

CASE MANAGEMENT ORDER NUMBER 3 (“CMO NO. 3”)

The purpose of this Order is to provide further for the sequencing of case-specific discovery and pretrial motions in the Trasylol Products Liability personal injury actions that have been filed in, transferred to, or are in the process of being transferred to this Court (i.e., a notice of tag along has been served). Except as otherwise provided herein, this Order applies to all Parties as defined in Pretrial Order No. 4 (“PTO No. 4”).

I. GROUPS OF ACTIONS NOT SELECTED FOR INITIAL TRIAL POOL.

Exhibit A hereto, which is made a part of this Order, is a list of all Trasylol Products Liability personal injury actions filed on or before July 15, 2008.¹ The cases identified in Exhibit A that are not selected for inclusion in the Initial Trial Pool pursuant to separate Order of this Court shall be assigned to groups, in sequence by date of initial filing, for purposes of the case-specific expert discovery and pretrial motions schedule. Actions filed on the same date shall be assigned in sequence alphabetically by last name of the first named plaintiff.

¹ This Order does not apply to any putative class actions or any cases not alleging personal injuries.

The actions shall be assigned as follows: Group 1 shall consist of the first six actions. Group 2 shall consist of the next six actions. Group 3 shall consist of the next six actions. Group 4 shall consist of all remaining actions filed on or before July 15, 2008.

If an action initially included in Groups 1 through 3 is later either selected for inclusion in the Initial Trial Pool, transferred, dismissed, or otherwise resolved or disposed of, on or before July 15, 2009, the remaining actions shall be re-allocated among these groups in accordance with this Section.

Group 5 shall consist of all actions filed after July 15, 2008. If additional actions are filed in or transferred to this Court such that completion of discovery in Group 5 becomes unmanageable, the parties may seek a further order from this Court adding additional groups to provide for the prompt disposition of those actions.

II. CASE-SPECIFIC DISCOVERY AND PRETRIAL MOTIONS SCHEDULE.

Case-specific discovery and pretrial motions for the personal injury actions shall proceed according to the schedule set forth in Exhibit B to this Order.² In addition, Section XI.A of Pretrial Order No. 4 (setting forth the date for completion of fact discovery for actions filed on or before July 15, 2008), is modified as follows:

For actions filed on or before July 15, 2008, and not selected for inclusion in the Initial Trial Pool, the parties shall complete case-specific fact discovery by July 15, 2009, except that, absent agreement of the parties or upon good cause shown, case-specific depositions of fact witnesses shall be limited to one witness from each of the following categories for each patient who allegedly received Trasylol:

- (1) the patient or the patient's representative; and

² Any date in the schedule falling on a weekend or court holiday shall be adjusted to the next business day.

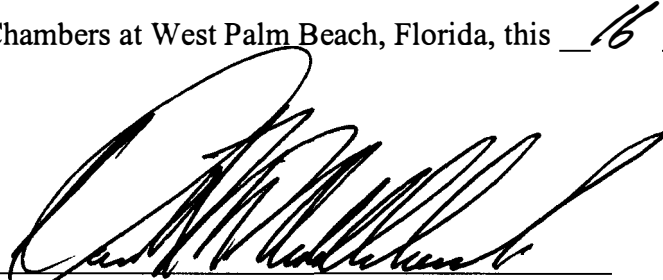
- (2) the patient's primary care physician prior to the time the patient allegedly was administered Trasylol; and
- (3) the patient's cardiologist; and
- (4) the patient's surgeon for the procedure in which Trasylol allegedly was administered; and
- (5) the doctor or other health care professional who allegedly prescribed Trasylol for the patient; and
- (6) the doctor or other health care professional who treated the patient for any alleged Trasylol-related injury.

If the identity of any physician or health care professional described in the foregoing sentence is not specified in the Plaintiff Fact Sheet, the Plaintiff shall promptly identify them upon request from Defendants. Additional depositions of case-specific fact witnesses related to a particular patient (for example, of multiple representative plaintiffs, or of any additional surgeon who performed a "take back" cardiac surgery following the surgery in which Trasylol was administered) may be taken prior to July 15, 2009, upon agreement of the parties or by Court order for good cause shown. Production of documents described in Section VIII.C(9) of Pretrial Order No. 4 (pertaining to sales representatives), disclosures of case-specific fact witnesses, depositions of case-specific fact witnesses not deposed prior to July 15, 2009, case-specific expert discovery, and pretrial motions for the personal injury actions shall proceed according to the schedule set forth in Exhibit B, which is made a part of this Order. If any case-specific fact witness described in categories (1) through (6) above is not deposed before July 15, 2009, such witness may be deposed during the time for completion of fact witnesses set forth in the schedule in Exhibit B.

For actions filed after July 15, 2008, Section XI.A of Pretrial Order No. 4 setting forth the date for completion of case-specific fact discovery for actions filed after July 15, 2008, is modified as follows: The case-specific fact discovery described above relating to categories (1)

through (6) of this Section shall be completed within twelve (12) months after the date of initial service of the complaint. Discovery in actions filed after July 15, 2008, otherwise shall proceed in accordance with Pretrial Order No. 4 and this Order, including Exhibit B herein, until further order of the Court.

DONE AND ORDERED in Chambers at West Palm Beach, Florida, this 16 day of September, 2008.

A handwritten signature in black ink, appearing to read 'Donald M. Middlebrooks', written over a horizontal line.

DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

General Information

Court	United States District Court for the Southern District of Florida; United States District Court for the Southern District of Florida
Federal Nature of Suit	Personal Injury - Product Liability[365]
Docket Number	1:08-md-01928
Status	CLOSED