

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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| In re Ortho Evra Products Liability Litigation | : | |
| | : | MDL Docket No. 1742 |
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| | : | N.D. Ohio Case No: 1:06-40000 |
| | : | Judge David A. Katz |
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| | : | Case Management Order No. 5 |
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| This Document Applies to: | : | All Cases |
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In order to facilitate communications with Plaintiffs' Counsel who have cases pending in these multidistrict proceedings, the Court hereby appoints as Plaintiffs' MDL Federal Liaison:

Michael London
Douglas & London
111 John Street, 8th Floor
New York, New York 10038

It is anticipated that Mr. London will coordinate with Attorney Ellen Relkin, the Plaintiffs' State Court Liaison, to assist the court in disseminating information to plaintiffs' attorneys involved in the Ortho Evra litigation. Attorneys Janet G. Abaray and Michael S. Burg shall continue in their role as Co-Lead counsel for plaintiffs.

The Court is mindful that many plaintiff attorneys are keenly interested in these proceedings. Nonetheless, structure must be imposed upon the plaintiffs' group in order to permit orderly presentation of argument to the Court and to

efficiently manage this litigation. The Court requests Lead Counsel to continue in their role of presenting argument to the Court on behalf of Plaintiffs, and to represent Plaintiffs at hearings and conferences, with participation by the Plaintiffs' State and Federal Liaison Counsel as appropriate. Lead Counsel may request that another member of the PSC or Plaintiffs' bar be heard on a specific matter, and the Court anticipates that individual counsel will address case specific issues that might arise in their individual cases.

It should be noted that the Court seeks to avoid unnecessary expense wherever possible. For instance, in most instances the Court directly resolves discovery disputes, rather than referring such matters to a Magistrate Judge or Special Master. As such, the Court frequently proceeds via telephone conference call, rather than requiring counsel to travel across the country for every matter before the Court. Understandably, participation in such conference calls must be limited in order for the calls to be effective.

To the extent that future conference calls are held in this matter not case specific, plaintiffs shall be represented on the calls by Lead Counsel. In addition, the Plaintiffs' State and Federal Liaison Counsel may participate in conference calls with the Court. Where feasible and of general interest, the Court in its discretion may permit other plaintiffs' counsel to participate in conference calls by listening only to the proceedings. Any plaintiffs' counsel who violates this restriction by disrupting a hearing held by conference call may be subject to further order of the Court.

Hearings held in the courtroom will be limited to those who appear in

person. As a matter of general practice and because of technical limitations, no accommodations will be made to permit telephonic participation in future courtroom proceedings except upon unusual circumstances approved in advance by the Court. No correspondence shall be directed to the Court except by Lead Counsel, or by State Liaison Counsel if an unique issue arises concerning a state court matter.

While all plaintiffs' counsel are encouraged to actively participate in this multidistrict litigation, to the extent that common benefit time is compensated, the Court will closely scrutinize attorneys' fee applications. Counsel may elect for their own edification and for the benefit of their individual clients to observe hearings and conferences, but such time and the related expense will not be eligible for common benefit compensation unless authorized by the Executive Committee or otherwise of demonstrable common benefit to all plaintiffs.

IT IS SO ORDERED.

s/ David A. Katz
DAVID A. KATZ
U. S. DISTRICT JUDGE