

#100127

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS (PHENTERMINE/ :
FENFLURAMINE/DEXFENFLURAMINE) : MDL DOCKET NO. 1203
PRODUCTS LIABILITY LITIGATION :

PRETRIAL ORDER NO. 128

AND NOW, TO WIT, this day of May, 1998,

the court by this Order designates:

JOHN FITZPATRICK, ESQUIRE
LECLAIR AND RYAN
707 EAST MAIN STREET
11TH FLOOR
RICHMOND, VA 23219
(804) 783-2003

FILED
MAY 11 1998
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

to serve as defendants' liaison counsel for those defendants named in the within multidistrict litigation and included in MDL-1203 whose function has been known or alleged to be that of a physician in relation to the type of diet substances that are central to this multidistrict litigation. Counsel will be designated as "physicians' liaison counsel".

The duties of liaison counsel will be to receive, and as appropriate, distribute to counsel of record for other present and future parties who are assigned by the court to liaison counsel's group Orders from the court, and if necessary from time to time, other documents or information.

At such time as a party becomes identified with a civil action number in MDL-1203, the court notifies counsel of record

of the civil action number assigned in this district. The communication from the court will include a list of liaison counsel and the group they are representing. Liaison counsel will receive a copy of each notice sent to counsel of record. In order to assure that a party receives a copy of all court orders to be distributed by liaison counsel, it is each party's responsibility to notify the appropriate liaison counsel of their entry into MDL-1203 as soon as that party receives notice from the court that a civil action number has been assigned to that party's case in this district for MDL-1203. In the case of physicians the party will be advised that Mr. Fitzpatrick is liaison counsel for the physicians group.

Liaison counsel appointed by this Order is entitled to be compensated for the fair and reasonable fees and costs that may be incurred by him in fulfilling his duties hereunder. The court will leave it to liaison counsel at this time to develop the most satisfactory means of achieving that entitlement by reason of this appointment. The court stands ready to assist liaison counsel in that regard at such time and in such manner as would be necessary.

SO ORDERED.

BY THE COURT:



LOUIS C. BECHTLE, J.