

IN RE: RISPERDAL / SEROQUEL /  
ZYPREXA LITIGATION

CIVIL ACTION

Case Code: 274

CASE MANAGEMENT ORDER No. 34

**FILED**  
JUN 17 2010  
JUDGE JESSICA R. MAYER

**THIS MATTER** having come before the Court during status conferences conducted on May 12, 2010 and May 27, 2010 and a case management conference conducted on June 9, 2010, and counsel representing plaintiffs who ingested Seroquel® and counsel for defendants AstraZeneca Pharmaceuticals LP, AstraZeneca LP, and Zeneca Inc. (collectively “the AstraZeneca Defendants”) having conferred with the court regarding a method and procedure for selecting the next group of cases to be tried and preparing the selected cases for trial, and good cause having been shown:

**IT IS** on this 17<sup>th</sup> day of June, 2010,

**ORDERED** as follows:

1. No later than **July 9, 2010**, counsel for plaintiffs shall select ten (10) cases for trial from the pool of cases in which PFSs have been served.
2. No later than **July 9, 2010**, counsel for the AstraZeneca Defendants shall select ten (10) cases for trial from the pool of cases in which PFSs have been served.
3. The cases selected for trial by counsel shall fall within the following criteria determined by the court to be representative of the inventory of cases pending before the court:
  - (a) Dose ingested by plaintiffs: between 100 mg and 600 mg daily.
  - (b) Age of plaintiffs during ingestions: between 45 years and 65 years.
  - (c) Duration of ingestion: Up to three (3) years.
  - (d) Date of ingestion: Prior to August 1, 2004.
  - (e) Indication: On label.
  - (f) Body Mass Index (“BMI”) prior to ingestion: 30 or greater.

4. On or before **July 30, 2010**, the court shall select ten (10) out of the twenty (20) cases presented by counsel for trial to undergo discovery as set forth in paragraphs 5 through 7 of this order.
5. For the ten (10) selected cases, the AstraZeneca Defendants shall serve the eight (8) categories of information previously agreed upon by the parties as to each prescribing healthcare professional, principal treating physician, and any other healthcare professional that the parties wish to depose for a total of five (5) healthcare professionals per case. The information required pursuant to this paragraph shall be provided to plaintiffs by the AstraZeneca Defendants no later than **August 31, 2010**.
6. For the ten (10) selected cases, the AstraZeneca Defendants shall provide the eight (8) categories of sales representative information previously agreed upon by the parties limited to two (2) sales representatives per case. The sales representative information shall be provided by the AstraZeneca Defendants to counsel for plaintiffs no later than twenty one (21) days prior to the deposition of the sales representative.
7. Counsel shall be permitted the following discovery in each of the ten (10) selected cases: deposition of each plaintiff; depositions of not more than five (5) prescribing healthcare professionals and/or treating physicians; and depositions of not more than two (2) sales representatives. Discovery for the ten (10) selected cases shall be completed by **October 29, 2010**.
8. Upon completion of the discovery specified in paragraph 7, counsel shall provide the court with a written analysis of the ten (10) selected trial cases assessing each case based upon the criteria set forth in paragraph 3 of this order as well as the criteria for selection of bellwether cases set forth in the Manual for Complex Litigation. Counsel's written analysis shall be served by **November 5, 2010**.
9. On or before **November 12, 2010** the court shall select three (3) cases for trial.
10. Plaintiffs' expert reports in the three (3) court selected cases for trial shall be provided no later than **December 17, 2010**.
11. AstraZeneca Defendants' expert reports in the three (3) court selected trial cases shall be provided no later than **January 21, 2011**.
12. Depositions of experts in the three (3) court selected trial cases shall be completed no later than **February 18, 2011**.
13. All dispositive motions and motions relating to the admissibility of expert testimony (Kemp/Rule 702) in the three (3) court selected trial cases shall be filed and served according to the following schedule:
  - (a) Motions: no later than **March 4, 2011**;
  - (b) Oppositions: no later than **March 18, 2011**;
  - (c) Replies: no later than **March 25, 2011**;
  - (d) Oral argument: to be scheduled by the court.
  - (e) Any Kemp/Rule 702 hearings deemed necessary by the court to be held on dates to be scheduled during **April 1 through April 25, 2011**.

14. All in limine motions in the three (3) court selected trial cases shall be filed and served according to the following schedule:
- (a) Motions: no later than **May 6, 2011**;
  - (b) Oppositions: No later than **May 13, 2011**;
  - (c) Replies: no later than **May 18, 2011**;
  - (d) Oral argument: to be scheduled by the court if deemed necessary.
15. The schedule for the exchange and submission of deposition designations in the three (3) court selected trial cases shall be as follows:
- (a) Counsel to exchange proposed deposition designations **April 8, 2011**;
  - (b) Counsel to exchange objections for deposition designations and counter designations **April 15, 2011**;
  - (c) Counsel to meet and confer regarding deposition designations during the week of **April 18, 2011**;
  - (d) Counsel to submit to the court formal written objections to any unresolved deposition designations no later than **April 29, 2011**.
16. The schedule for the exchange and submission of proposed exhibit lists and witness lists for the three (3) court selected trial cases shall be as follows:
- (a) Counsel to exchange proposed exhibit lists and witness lists no later than **April 15, 2011**;
  - (b) Counsel to serve objections to proposed exhibit lists and witness lists no later than **April 22, 2011**;
  - (c) Counsel to submit final exhibit lists and witness lists to the court no later than **April 29, 2011**.
17. A one page joint statement of the case for the jury pool, joint submissions of questions for the jury voir dire, proposed jury charges and proposed verdict sheet for each of the three (3) court selected trial cases shall be submitted to the court no later than **May 13, 2011**.
18. All of the aforementioned documents to be filed with the court shall be filed by 12:00 p.m. on the due date.
19. Trials for the three (3) selected cases will be tried simultaneously with a one (1) week delay to accommodate jury selection for each trial case. The trials for the three (3) selected cases shall be: **July 5, 2011; July 11, 2011; and July 18, 2011**.
20. A copy of this order shall be posted by the court within seven (7) days of the date of this order.

  
\_\_\_\_\_  
JESSICA R. MAYER, J.S.C.