

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

IN RE: BAYCOL LITIGATION : NOVEMBER TERM, 2001

: NO. 0001

ORDER

AND NOW, this 12th day of *December*, 2003, upon consideration of the Defendants' Motion Requiring Production of Case-Specific Expert Reports and the Plaintiffs' Response thereto, it is hereby ORDERED that the Defendants' Motion is granted as follows.

For purposes of clarity, this Court has distinguished the various diagnosis rendered in this litigation as Rhabdomyolysis and Non-Rhabdomyolysis. The parties therefore are ORDERED and DIRECTED to follow the procedures hereinafter set forth.

Diagnosis: Non-Rhabdomyolysis
(Plaintiffs deposed)
Actions commenced: 2001 and 2002

1. All Counsel are hereby Directed to present a list of all cases commenced in the years 2001 and 2002, wherein the Plaintiff has been deposed, not later than December 19, 2003 by forwarding the same to the undersigned, attention Mary McGovern, 622 City Hall, Philadelphia, PA.
2. Plaintiffs are Ordered and Directed to serve case-specific expert reports not later than January 15, 2004. Said expert reports shall be prepared in accordance with the directive set forth in Order Amending Trial Settings and Discovery Order No. 2 (Expert Discovery).

COPIES SENT
PURSUANT TO Pa. R.C.P. 236(b)

DEC 12 2003

First Judicial District of Pa.
User I.D.: KRO

DOCKETED
COMPLEX LIT CENTER

DEC 12 2003

K. DORSEY

3. Plaintiffs shall submit to the Court, via Mary McGovern, proposed groupings of said cases not later than January 30, 2004 wherein case-specific expert reports have been served.
4. Defendants shall serve case-specific expert reports not later than 60 days prior to trial.
5. Trials shall commence in May, 2004 at the direction of this Court. Said trial scheduling will be published in The Legal Intelligencer and on the Court's Website.

Diagnosis: Non-Rhabdomyolysis
(Plaintiffs NOT deposited)
Actions commenced: 2001 and 2002

6. Case-specific expert reports for all remaining cases wherein the Plaintiff has not been deposed shall be served not later than February 15, 2004.
7. Plaintiffs shall submit to the Court, via Mary McGovern, proposed groupings of said cases not later than February 29, 2004 wherein case-specific expert reports have been served. Said expert reports shall be prepared in accordance with the directive set forth in Order Amending Trial Settings and Discovery Order No. 2 (Expert Discovery).
8. Trials shall commence during the year 2004 at the direction of this Court.

Diagnosis: Rhabdomyolysis
Actions commenced: 2001 and 2002

1. All Counsel are Directed to meet and confer in Order to establish an agreed upon list of Rhabdomyolysis cases commenced in the years 2001 and 2002. A list of cases designated "Diagnosis of Rhabdomyolysis" and

"Diagnosis Contested Rhabdomyolysis" shall be submitted to this Court, via Mary McGovern, in the following manner:

- a. The following Plaintiffs' firms shall meet and confer with Defense Counsel and submit their list of the aforesaid cases not later than January 15, 2004.

Weitz & Luxenberg

- b. The following Plaintiffs' firms shall meet and confer with Defense Counsel and submit their list of the aforesaid cases not later than February 15, 2004.

The Beasley Firm
Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley
Schiffirin & Barroway
Greitzer & Locks
Roda & Nast
Kline & Specter
Curran & Byrne
Brookman, Rosenberg, Brown & Sandler
Raynes, McCarty, Binder, Ross & Mundy
~~Weitz & Luxenberg~~
Kolsby, Gordon, Robin, Shore & Bezar
Levin, Fishbein, Sedran & Berman

2. The parties are further Directed to serve Case-Specific Expert Reports in all cases categorized as "Diagnosis Contested Rhabdomyolysis" in the following manner:

- a. Plaintiffs shall serve their reports not later than March 15, 2004.
- b. Defense shall serve their reports not later than April 15, 2004.

- c. Said expert reports shall be prepared in accordance with the directive set forth in Order Amending Trial Settings and Discovery Order No. 2 (Expert Discovery).
3. Designation Deadlines of case-specific expert reports shall remain consistent with this Court's previous Order wherein Plaintiffs expert reports are due 120 days prior to trial and Defense expert reports due 60 days prior to trial for all cases which have been designated as "Diagnosis of Rhabdomyolysis".
4. Trials shall commence during the year 2004 at the direction of this Court.

Actions commenced in 2003

1. The Court shall present a similar rolling schedule for actions commenced in the year 2003 in a Case Management Order to be entered at a future date.

Notice of Non-Compliance


1. Defense Counsel are hereby Directed to submit to this Court, via Mary McGovern, 622 City Hall, Philadelphia, PA, a list of cases by Plaintiff's firm who have failed to comply with this Order. Said list shall be submitted not later than 2 weeks of the aforementioned submission dates contained in this Order.

Failure to Comply

Failure to comply with the terms of this Order shall result in the scheduling of a Rule Returnable Hearing to show cause why a Judgment of Non Pros should not be entered for failure to diligently prosecute.

It is further ORDERED and DIRECTED that the terms and conditions set forth in this Order shall also be designated as Case Management Order No. 2 and shall be filed in the above-captioned Master Docket.

BY THE COURT:



NORMAN ACKERMAN,
Coordinating Judge
Complex Litigation Center