

SUPREME COURT OF THE STATE OF NEW YORK -- NEW YORK COUNTY

PRESENT: \_\_\_\_\_  
Justice

PART 35

0752000/2000

ALLEN, ALMA  
vs  
WARNER LAMBERT CO.

INDEX NO. 752,000/00  
MOTION DATE \_\_\_\_\_  
MOTION SEQ. NO. \_\_\_\_\_  
MOTION CAL. NO. \_\_\_\_\_

SEQ 1  
COMPEL

The following papers, numbered 1 to \_\_\_\_\_ were read on this motion to/for \_\_\_\_\_

PAPERS NUMBERED

Notice of Motion/ Order to Show Cause -- Affidavits -- Exhibits ...

Answering Affidavits. -- Exhibits \_\_\_\_\_

Replying Affidavits \_\_\_\_\_

Cross-Motion:  Yes  No

Upon the foregoing papers, it is ordered that this motion

*to compel is decided  
as per order signed today. Order  
submitted by defense counsel  
is signed as modified*

Dated: 8/6/04

[Signature]  
J.S.C.

Check one:  FINAL DISPOSITION  NON-FINAL DISPOSITION

DO NOT POST

FOR THE FOLLOWING REASON(S):

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
IN RE: NEW YORK REZULIN PRODUCTS : Master Index Number  
LIABILITY LITIGATION : 752,000/00  
: :  
: :  
-----X  
THIS DOCUMENT APPLIES TO ALL REZULIN : PROPOSED ORDER  
CASES PENDING IN THE SUPREME COURT OF :  
THE STATE OF NEW YORK : Respectfully Refer to  
: Honorable Helen E. Freedman  
: :  
-----X

Defendants, Pfizer Inc., and Warner-Lambert Company LLC having moved for an Order on April 29, 2004 requiring plaintiffs to provide expert reports and other documentation of Rezulin usage and injuries resulting from Rezulin use; and plaintiffs having opposed such Order on May 18, 2004, May 28, 2004, June 2, 2004, and June 3, 2004 respectively; and defendants having replied to the motion on June 16, 2004 and oral argument having been heard before this Court on July 1, 2004; it is hereby,

ORDERED, that pursuant to CPLR 3101(d), and § 202.17 of the Uniform New York Rules of Court, and the inherent authority of this Court, each plaintiff in the New York Rezulin Products Liability Litigation shall be required to serve a disclosure to substantiate and document plaintiff's alleged claims; and it is further

ORDERED, that the disclosure will specifically include, in reasonable detail, the following information:

1. The name, professional address, title, ~~employer and the curriculum vitae~~ of plaintiff's medical expert; *curriculum vitae to follow asap-*
2. The exact date(s) that the medical expert examined and/or treated plaintiff;
3. The identification and production of copies of the medical records (by date

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and provider) actually reviewed by the medical expert prior to the preparation of the disclosure provided for herein;

4. The identification and production of copies of the lab reports, studies, x-rays, scans, MRIs and any other diagnostic tests (by date and health care facility/provider) actually reviewed and relied upon by the medical expert; *(within 120 days)*
5. The number of hours ~~actually spent~~ by the medical expert reviewing the medical records of the ~~Rezulin~~ plaintiff; *HEX*
6. The dates of Rezulin use specifying the documentary evidence of such use;
7. The injuries that the medical expert opines were caused by plaintiff's Rezulin use and the summary of the grounds for such opinion;
8. The diagnosis made by the medical expert *or by any other provider whom the expert relied upon.*
9. The date(s) that plaintiff was injured by Rezulin use;
10. The prognosis made by the medical expert;
11. The plan of care or treatment rendered to plaintiff by the medical expert; and it

is further,

12. *HIPPA medical authorizations signed by plaintiffs*
- ORDERED, that in the instance of a wrongful death action, in addition to the

forementioned, the disclosure will specifically include:

1. A statement with respect to what role, if any, Rezulin had in the death of the Rezulin user;
2. The identification and production of any post-mortem records, autopsy reports or reports of other diagnostic studies prepared at or about the time of death;

and it is further,

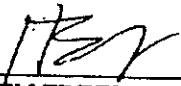
ORDERED, that plaintiff will serve these disclosures within sixty (60) days from the date *twice* of this Order; and it is further,

ORDERED, that the service of this disclosure by each plaintiff will not prejudice the right to substitute a different medical expert at the time of trial, ~~for good cause shown~~, so long as the *is identified and* substituted medical expert testifies as disclosed pursuant to this Order; and it is further, *HEX*

ORDERED, that each plaintiff, who has not yet done so, will file a Request For Judicial

Intervention (RJI) and purchase an index number within thirty (30) days from the date of this Order.

Dated: New York, New York  
July 7, 2004

  
\_\_\_\_\_  
HELEN FREEDMAN  
J.S.C.