

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
JCCP 004032**

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| <p>1. Date: Wednesday, April 12, 2000</p> <p>HONORABLE DANIEL SOLIS PRATT Judge</p> <p>Y. KRANTZ Deputy Sheriff</p> | <p>DEPT. SE D</p> <p>S. WORTHEN Deputy Clerk</p> <p>J. LIBERTY Court Reporter</p> | |
| <p>10:00 am</p> | <p>JCCP004032</p> <p>IN RE: DIET DRUG CASES</p> | <p>Plaintiff Counsel</p> <p>Defendant Counsel</p> |

NATURE OF PROCEEDINGS: **GENERAL STATUS CONFERENCE**

Appearing on behalf of the plaintiffs: Mark Robinson, Thomas Schaefer, Chad McGuire, Marc Blane, Douglas Robins, Martin Fox, Thomas Anderson, Colleen McGurrin, Sharon Arkin, Donald Edgar, Leslie Price, Tina Nieves, Carlos Prietto, William Dougherty, Nancy Fineman, Tammy Sedin, David Leichenger, Glenn Dorfman, and Alan Aleksander.

Appearing on behalf of the defendants: Martin Murphy, Barry Marsh, Tim Bradford, Jeffrey Zinder, Timothy Bradford, Kristi Helgeson, Mark Spooner, Patricia Carmichael, David Stanley, Jeffrey Lerman, Shelia Salomon, Arlene Wiese, Russel Hiles, Geoffrey Wells, Nancy Morrison, Janet Hurdle, Joseph Carlucci, Elizabeth Flatley, Eric McDonough, James Reilly, Lucy Mendoza, Judith Tishkoff, Jennifer Johnson, William McTaggart, Jr., Joseph Butler, Christian Sanne, Jeffrey Cawdrey, L. Elizabeth Strahlstrom, Jeffery Carlson, Steven Owen, Theodore Prenovost, Ramune Barkus, Robyn Geary, James Sinunu, Carolyn Doran, Lee Petros, John Reilly, James Hansen, Alexander Giovanniello, Christopher Bayuk, David McGovern, Michael Healy, Kathleen M. Waters, Jerome Varanini, Dean Pollack, Jerry Popovich, Barbara Berndt, Melissa Fink, James Queenan, Mary Wachsmith, Bryan Malone, William Hirsch, Janet Richardson, Douglas DeHeras, William Hook, Gary Paul, Georgia Mayman, Craig Berman, and Barbara Reardon.

| | | | |
|---------------------------------------|------------------------|----------------------|-------------------|
| 1. Date: Wednesday, April 12, 2000 | | | DEPT. SE D |
| HONORABLE DANIEL SOLIS PRATT | Judge | S. WORTHEN | Deputy Clerk |
| Y. KRANTZ | Deputy Sheriff | J. LIBERTY | Court Reporter |
| 10:00 am | JCCP004032 | Plaintiff Counsel | |
| | IN RE: DIET DRUG CASES | Defendant Counsel | |

Agenda Items:

- 1) **Inventory of pending, active cases that have not “opted out” re: Federal Settlement.**
- 2) **Statewide settlement plan**
- 3) **Discovery plan regarding defendant doctors and summary judgment motion**
- 4) **Charles v. AHP (DD000090) request for trial setting/mediation
Schonberger v. AHP (DD000864) request for MSC hearing date**
- 5) **Request for modification of CMO#7 Re: 6% Common Benefit Fund**
- 6) **Automatic dismissal of all defendants and cross-actions in settled cases**
- 7) **Plaintiff Scott (DD000858) Motion to Specially Set Action for Trial**
- 8) **Recent filings after March 30, 2000 (deadline for Federal Settlement)**

The matter is called for hearing.

1. **Counsel inform the Court that a Fairness Hearing is set 5-02-00 Re: the Global Settlement, after which time, dismissals will be filed in the appropriate cases that have opted out of California litigation.**
2. **Counsel are preparing a settlement plan to present to the Court and request a continuance of this issue. Court grants the continuance.**
3. **The Court defers his decision regarding the proposed “Global Motion for Summary Judgment” as to defendant doctors, until mediation completion date expires.**
- 4) **Counsel for the plaintiff, Charles, informs the Court that said case has settled and a mediation hearing date of June 27, 2000 has been set in the Schonberger case.**
- 5) **Request for modification of CMO#7 is withdrawn by moving party.**
- 6) **Court request counsel to submit dismissals on all cases that have been settled.**
- 7) **Plaintiff Scott’s (DD000858) Motion to Specially Set for Trial is found to be filed prematurely and placed off calendar.**
- 8) **Court and counsel confer regarding the recent rash of new filings.**

1.
Date: Wednesday, April 12, 2000

DEPT. SE D

HONORABLE DANIEL SOLIS PRATT Judge
Y. KRANTZ Deputy Sheriff

S. WORTHEN Deputy Clerk
J. LIBERTY Court Reporter

10:00 am

JCCP004032

Plaintiff
Counsel

IN RE: DIET DRUG CASES

Defendant
Counsel

Mr. McGovern requests clarification of a previous court order regarding the setting of Motions to Dismiss in cases where plaintiff's have not completed product identification in a timely matter. The Court rules that in any case where product identification is not completed pursuant to Case Management Orders, a Motion to Dismiss is the remedy.

General status conference is set 4-19-2000, at 10:00 a.m., in this department to discuss the "California Settlement Plan".