

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

1.	Date: Wednesday, November 19, 2003	DEPT. SE D
	HONORABLE DANIEL SOLIS PRATT Judge	S. LITTLE Deputy Clerk
	T. Hernandez Courtroom Assistant	S. LOPEZ #5154 Court Reporter
10:00 am	JCCP004032	Plaintiff Counsel
	IN RE: DIET DRUG CASES	Defendant Counsel
		SEE BELOW

NATURE OF PROCEEDINGS: **GENERAL STATUS CONFERENCE**

Appearing on behalf of plaintiffs: Paul Kiesel, Carlos Prietto, Peter Holt, David Smith, Leeza L. Gelfer-Mundl, Mary Alexander, Amy Shahan, Douglas Robins, Peter Gezoukian, Ronald Laba, Kerri Webb (telephonic appearance), Amy Eskin (telephonic appearance) and Darla O'Connor(telephonic appearance).

Appearing on behalf of defendants: Barbara M. Reardon, David J. Sapienza, Elizabeth Flatley, Barry Marsh, Lesli Hogan, Stuart Gordon, Tim Bradford, Mark Spooner, James Reilly, Jennifer Cummings, Melissa Fink, Lisa Ungerer (telephonic appearance), Bart Barringer (telephonic appearance).

The matter is called for hearing.

Case Management Order #17, Re: Establishment of Website for Electronic Service is signed and filed this date.

Approved changes are made to the proposed Case Management Order #16, Order Appointing Liaison Counsel. The revised Case Management Order #16 will be re-submitted to the Court.

Counsel inform the Court that 1600 cases will be filed by the end of this year, 2003. There are 1775 cases filed in the Diet Drug litigation of which approximately 700 are "active"; 600 new cases have been filed since 5-28-2003.

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The Court encourages counsel to continue to participate in dialog and methodology as to the selection process to determine which cases are to be set for trial. The general status conference is continued to 12-17-03, at 10:00 a.m., in this department, for submission of a status report regarding an approved selection process. If the status report is submitted prior to the hearing, no appearances will be required and the status conference will go off calendar.

Defense counsel informs the Court that medical authorization forms, fact sheets, due diligence forms, and product identification documents are not being served in a timely manner and request those documents be served along with the adoption of master complaint in order to provide defendants with the needed information to determine which cases should be selected for trial. The Court suggests this problem be quickly alleviated.

Physician/Health Care Provider liaison counsel expresses concern regarding statute of limitations issues as to defendant doctors/health care providers and request authorization to file "Notice Pursuant to Code of Civil Procedure section 128.7" and summary judgment motions as deemed necessary. The Court allows the filing of said motions only in "obvious situations" and suggests defense counsel meet and confer with plaintiff's counsel prior to the filing of the motions.

Further status conference is set 1-21-2004, at 10:00 a.m., in this department. At that time, the Court and counsel will discuss the methods to be used to determine which cases are to be set for trial.

Paul Kiesel to give notice.