

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

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|-----------------|---|------------------------------------|
| 1               | Date: Wednesday, December 15, 2004      | <b>DEPT. SE D</b>                  |
|                 | HONORABLE DANIEL SOLIS PRATT      Judge | S. LITTLE      Deputy Clerk        |
|                 | T. Hernandez      Courtroom Assistant   | S. LOPEZ #5154      Court Reporter |
| <b>10:00 am</b> | JCCP004032                              | Plaintiff<br>Counsel               |
|                 | IN RE: DIET DRUG CASES                  | Defendant<br>Counsel               |
|                 |   | SEE BELOW                          |

NATURE OF PROCEEDINGS: **GENERAL STATUS CONFERENCE**

**Appearing on behalf of plaintiffs: Paul Kiesel, Carlos Prietto, Erick Rosemond, Amy Carter, Mary Alexander, Peter Holt, David Smith, Dina McKenzie Simmons, Peter Gezoukian.**

**Appearing on behalf of defendants: Barbara Reardon, David Stanley, Mark Spooner, Stuart Gordon, David Sapienza, Timothy Bradford, Jennifer Cummings, Brent Caldwell, Allison Barrett, Kevin Eng, Andrew Ryan, Aileen Rodriguez, Elizabeth Flatley, Melissa Fink, Michael Elsberry, Harmon Levine, Lynette Christopoulos, Jennifer Villafana, Robert Von Bargen. Susan Foe (telephonic appearance), Lucy Baldwin (telephonic appearance), and Lisa Ungerer (telephonic appearance).**

**The matter is called for hearing.**

**The Court and counsel discuss various issues regarding the 1-10-2005 Miller trial and the trial setting conference set that date in the Kult case.**

**Pursuant to representation of plaintiff liaison counsel, motions in limine will not be filed on behalf of plaintiff Miller. Defense counsel indicate they may file motions on behalf of Wyeth. If the Miller trial requires a Second Phase, then motions in limine may possibly be filed by both sides. Stipulations have been reached between the parties, regarding the motions in limine heard and ruled on during the Hines trial which pertain to the first round cases set for trial. Each side is preserving their respective objections to said rulings.**

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|-----------------|--|--|

**After discussing time qualifying jurors, counsel stipulate to allow the jury coordinator to time qualify prospective jurors on the basis of those who are not paid for jury service and those jurors who are paid for 5 days or less of jury service.**

**Plaintiff liaison counsel advises the Court that Mr. Hines has not received his settlement check. Counsel for Wyeth represent that it will be taken care of forthwith.**

**Mrs. Reardon, physician liaison counsel, reports counsel has stipulated to various issues regarding doctor and pharmacy defendants. A proposed CMO #22 will be submitted to the Court for approval.**

**Counsel for Wyeth inform the Court of their plan to maintain a list of the removed cases on the Verilaw web site. Wyeth will regularly update the list to provide current information and status of those cases.**

**Notice waived.**