

Date 06/05/1998

Department D

Judge Honorable DANIEL SOLIS PRATT

Deputy Clerk S. RAINWATER

Deputy Sheriff Y. KRANTZ

Reporter WANDA GARY #7675

JCCP004032

JUDICIAL COUNCIL

VS

NO. 4032

IN RE: DIET DRUG CASES

Plaintiff Counsel:

LIASON: JOSEPH DUNN (x)

MARK ROBINSON (x)

FRANK PITRE (x)

Defendant Counsel:

TIMOTHY BRADFORD (x)

MARK SPOONER (x)

PATRICIA CARMICHAEL (x)

DAVID McGOVERN (x)

CHARLES PREUSS (x)

Nature of Proceedings:

STATUS CONFERENCE (COORDINATED PROCEEDING)

STATUS CONFERENCE IS HELD.

COUNSEL APPEARING ON BEHALF OF PLAINTIFFS ARE AS FOLLOWS: W. HIRSCH; A. ANDREWS; J. MANOS; G. PAUL; T. BRANDI; S. COONS; T. NIEVES; P. POLOS. COUNSEL APPEARING ON BEHALF OF DEFENDANTS ARE AS FOLLOWS: M. FITZSIMONS; K. BRUECKNER; J. BUTLER; G. ZISER; S. JUNG; M. HEALY; C. LOWELL; S. SALOMON; A. ASIANO; D. STANLEY; R. GIBSON; R.J. DECKER; L. BASINGER; S. MARTINO; R. BLESSEY; B. MARSH; J. KWUON;

J. STREETER; J. KEUPER; N. MORRISON; R. BARKUS;  
F. ALFORD; J. JOHNSON.

STATUS CONFERENCE IS HELD.

IN CHAMBERS, OFF THE RECORD, COURT AND LIASON COUNSEL MEET AND CONFER RE PROPOSED CASE MANAGEMENT ORDERS. (ATTORNEY FRANK PITRE IS PRESENT FOR DISCUSSION OF PROTECTIVE ISSUES ONLY).

ORDERS GRANTING ADD-ON PETITIONS SUBMITTED APRIL 16, 1998 (BY PLAINTIFFS) AND APRIL 27, 1998 (BY DEFENDANTS), RESPECTIVELY, ARE SIGNED AND FILED THIS DATE. ORDER STAYING DIET DRUG CASES IS ALSO SIGNED AND FILED THIS DATE.

APPOINTMENT OF THE EXECUTIVE COMMITTEE AND LIASON COUNSEL AS SET FORTH IN PROPOSED GENERAL ORDER NUMBER ONE IS APPROVED.

THE COURT INDICATES THAT SETTING OF TRIAL DATE IS PREMATURE AND NONE SHALL BE SET AT THIS TIME. THE COURT FURTHER ORDERS THAT THE STAY SHALL REMAIN IN EFFECT UNTIL THE CONTINUED STATUS CONFERENCE ON JULY 2, 1998.

CASE MANAGEMENT ORDER NUMBER ONE (AS SUBMITTED BY DEFENDANTS) IS APPROVED WITH NO MODIFICATIONS BUT WITH CLARIFICATIONS AS TO PRO HAC VICE PROCEDURE, EX-PARTE COMMUNICATION WITH COURT STAFF AND PRESENTATION OF SUBSTANTIVE AGENDA ITEMS.

HEARING ON PLAINTIFFS' PRETRIAL ORDER NUMBER TWO (MASTER PLEADINGS) IS ORDERED CONTINUED TO JUNE 12, 1998 AT 10:00AM IN THIS DEPARTMENT; ALL LIASON COUNSEL SHALL APPEAR. A DRAFT OF THE PROPOSED MASTER COMPLAINT IS DISTRIBUTED THIS DATE. THE MASTER PLEADING CASE MANAGEMENT ORDER SHALL BE RE-NUMBERED AS ORDER NUMBER THREE AT THE NEXT HEARING.

PLAINTIFFS' PROPOSED PRETRIAL ORDER NUMBERS THREE AND FOUR (PRESERVATION OF DOCUMENTS AND PROTECTIVE ORDER) ARE FURTHER DISCUSSED IN CHAMBERS. THE COURT DOES ORDER A MODIFICATION REQUIRING DEFENDANTS TO GIVE 60 DAYS NOTICE AS TO DESTRUCTION OF DOCUMENTS. THERE

SHALL BE NO CHANGES TO THE PROTECTIVE ORDER BUT THE COURT DOES CLARIFY THAT DOCUMENTS VIEWED UNDER THE DIRECTION OF COUNSEL IS NOT IN VIOLATION OF THE CONFIDENTIALITY PROVISIONS.

THE MATTERS INCLUDED IN PLAINTIFFS' PROPOSED ORDERS THREE AND FOUR HAVING BEEN INCLUDED IN DEFENDANTS' PROPOSED GENERAL ORDER NUMBER TWO RE: PRESERVATION OF DOCUMENTS AND PROTECTIVE ORDER, DEFENDANT'S NUMBER TWO IS APPROVED AND SHALL BE DESIGNATED AS CASE MANAGEMENT ORDER NUMBER TWO.

CONTINUED STATUS CONFERENCE AND FURTHER HEARING RE PLAINTIFFS' PROPOSED PRETRIAL ORDER NUMBERS FIVE AND SIX (DISCOVERY AND DEPOSITION GUIDELINES) ARE ORDERED SET FOR JULY 2, 1998 AT 10:00AM IN DEPARTMENT SE-D.

LIASON COUNSEL FOR PLAINTIFF SHALL GIVE NOTICE.

LOS ANGELES SUPERIOR COURT STAFF AND COUNSEL CONFER INFORMALLY AFTER THE STATUS CONFERENCE TO DISCUSS TECHNICAL AND CLERICAL ISSUES. COUNSEL SHALL SUBMIT RECOMMENDATIONS TO THE COURT RE: SUBMISSION OF HARD COPY/DISC COPY OF PLEADINGS AND CONTENT OF INFORMATION TO BE POSTED TO WEB SITE. COURT SHALL PROVIDE WRITTEN RECOMMENDATIONS RE REQUIREMENTS OF PROVIDING PLEADINGS ON DISC AND FORMATTING OF DOCUMENTS ON DISC.