

Date 07/02/1998

Department D

Judge Honorable DANIEL SOLIS PRATT

Deputy Clerk S. RAINWATER

Deputy Sheriff Y. KRANTZ

Reporter J. LIBERTY #2761

JCCP004032

JUDICIAL COUNCIL

VS

NO. 4032

IN RE: DIET DRUG CASES

Plaintiff Counsel:

Defendant Counsel:

Nature of Proceedings:

STATUS CONFERENCE      PI

THE COURT MAKES THE FOLLOWING ORDERS RE THE ADD-ON PETITIONS:

The petition filed herein on JUNE 1, 1998 by CROSBY, HEAFEY, ROACH & MAY and ARNOLD & PORTER is granted. The objection to coordination filed herein on June 4, 1998 as to the MOCCIARO case (#98C00578) is OVERRULED.

The petition filed herein on MAY 29, 1998 by LAW OFFICES OF CHRISTOPHER E. GRELL is granted. The oppositions filed herein to the SULLIVAN v ENRICH INTERNATIONAL case are OVERRULED. On the court's own motion, the Motions to Quash previously

filed are ordered SPECIALLY RE-SET FOR HEARING ON AUGUST 7, 1998 at 10:00 a.m., in this Department.

The petition filed herein on JUNE 3, 1998 by COTCHETT, PITRE & SIMON and GANCEDO & NIEVES is granted.

The petition filed herein on JUNE 4, 1998 by LA FOLLETTE, JOHNSON, DE HAAS, FESLER & AMES is granted. The opposition filed herein on JUNE 26, 1998 is overruled. (VON HERZEN case)

Pursuant to the instruction of Justice Vogel, any pleading filed in the Court of Appeal pertaining to this Coordinated Proceeding (JCCP4032) must be identified as DIET DRUG in the caption.

Defendants' Proposed General Order No. 5 and Plaintiffs' Proposed Pretrial Orders Nos. 5 and 6 are argued. Health Care Providers' Proposed General Order No. 6 is argued.

Counsel stipulate to the Expedited Resolution of Discovery Disputes issue. Counsel agree to further attempt resolution of the Interrogatories issue.

The issue as to noticing of depositions and coordination of discovery with MDL shall be further considered on July 17, 1998.

The issue of Communication with Health Care Providers is argued. Counsel for defendants may contact treating physicians for purposes of scheduling depositions only. There shall be no contact of known treating physicians by defendants for purposes of developing defense expert witnesses, unless such contact is made during a deposition.

The Court does not place time limits on depositions but will resolve any abuses by way of Noticed Motion.

The Proposed Supplemental Fact Sheet regarding health care providers and written discovery as to the health care providers shall be further considered on July 17, 1998.

Continued hearing on the proposed discovery orders and further status conference are set for JULY 17, 1998 at 10:00 a.m., in Department SE-D.

The Court orders the current stay to remain in effect until JULY 17, 1998 at which time the Court's intention is to lift the stay.

Counsel appearing on behalf of plaintiffs are as follows: SALVADORE LICCARDO; JOHN JANOFSKY; DAVID LEICHENGER; MICHAEL FAIRCHILD; JOHN RESTAINO; KRISTIN KELSO; STEVEN JUNG; TINA NIEVES; RAYMOND BLESSEY.

Counsel appearing on behalf of defendants are as follows: CHARLOLTTE LOWELL; RAMUNE BARKUS; MIKE STORTZ; BARRY MARSH; MARIO HORWITZ; DAVID STANLEY; JOSEPH GREENSLADE; MICHAEL FITZSIMONS; FLETCHER ALFORD STEVEN BERGMAN; NANCY MORRISON; MICHAEL RUGGLES; ROBERT GIBSON; KATHRYN MADLOCK; FLETCHER ALFORD; ANN M. ASIANO; ELIZABETH FLATLEY; JOHN STREETER; NEAL SWENSEN; LEE ARCHER; BENJAMIN OSTAPUK.

Plaintiffs' liaison counsel appear as follows:

MARK ROBINSON; JOSEPH DUNN; FRANK PITRE; WILLIAM HIRSCH; RAMON LOPEZ.

Defendants' liaison counsel appear as follows:

TIMOTHY BRADFORD; MARK SPOONER; GEORGE ZIZER; THOMAS MOORE; JOSEPH DECKER; ARBARA REARDON.