

Date 09/11/1998

Department D

Judge Honorable DANIEL SOLIS PRATT
Deputy Clerk S. RAINWATER
Deputy Sheriff Y. KRANTZ
Reporter J. LIBERTY CSR 2761

JCCP004032

JUDICIAL COUNCIL

VS
NO. 4032
IN RE: DIET DRUG CASES

Plaintiff Counsel:

Defendant Counsel:

Nature of Proceedings:

STATUS CONFERENCE COORDINATED CASE

The status conference is held.

The Court indicates that the Code of Civil Procedure shall apply to any Motions to Compel regarding the Fact Sheet.

The Request for Stay based on proposed settlement in the MDL is granted. All proceedings in this Coordinated Proceeding as to defendant Interneuron Pharmaceuticals, Inc. are ordered stayed until OCTOBER 16, 1998.

Pursuant to stipulation, the Demurrer by Health Care Providers set for October 6, 1998 is ordered re-set

for hearing on FRIDAY, OCTOBER 30, 1998 at 10:00am.,
in this Department.

The Petition for Coordination on WILLIAMS vs. KLUG
(Sacramento Case No. 96AS05448) filed by Defendant
Klug is DENIED. Code of Civil Procedure Section 404.4
provides a procedure for petitioning to coordinate an
add-on case. Direct petition to the coordination
trial judge is not authorized unless all parties
plaintiff or defendant join. Here, defendant Klug,
one of four named defendants, is the only party making
the petition. He may not do so directly.

If the other three defendants do not join the motion
then the proper procedure would be for Klug to make a
motion in the court where this action is pending.
That motion would ask the presiding judge of that
court to request of this court that the case be added
to the coordinated cases. CCP 404.4 and CRC 1544;
compare CCP 404 and CRC 1520.

Continued Status Conference on the Master Case is
set for October 30, 1998 at 10:00am., in this
department.

PLAINTIFFS' LIAISON COUNSEL AND EXECUTIVE COMMITTEE
COUNSEL APPEAR AS FOLLOWS: MARK ROBINSON, JR.; JOSEPH
DUNN; NANCY FINEMAN; TINA NIEVES; JOHN RESTAINO; RAMON
LOPEZ; WILLIAM HIRSCH; GARY PAUL.

COUNSEL APPEARING ON BEHALF OF PLAINTIFFS: ROGER
SISNERIOS; DAVID LEICHENGER.

DEFENDANTS' LIASON COUNSEL APPEAR AS FOLLOWS: TIMOTHY
BRADFORD; DAVID STANLEY; MARK SPOONER; THOMAS MOORE;
PATRICIA CARMICHAEL; GEORGE ZISER; BARBARA REARDON;
BENJAMIN CARDOZO; RUSSEL HILES;

COUNSEL APPEARING ON BEHALF OF DEFENDANTS: MICHAEL
HEALY; CHARLOTTE LOWELL; JANET KEUPER; JEFFERY CARLSON
PHILLIP HOWARD; KARIN HESSELTINE; NANCY MORRISON;
MICHAEL FITZSIMONS; ELIZABETH FLATLEY; R. JOSEPH

DECKER; ANN ASIANO; DANIEL LEIPOLD; ANTHONY BRAZIL;
CARRICK BOLTE; MICHAEL RUGGLES; YUK LAW; ROBERT GIBSON
DEBRA POLE; JOSEPH CARLUCCI; THOMAS INGRAM; GRACE
BRUMAGIN; MARA MARGULIES; JOSEPH GREENSLADE; DEIDRE
COHEN; MICHAEL STORTZ; KRISTIN KELSO; MARIO HORWITZ;
JENNIFER CHAN; CHARLOTTE LOWELL; THOMAS HALL.