

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

<p>Date: Monday, November 16, 1998</p> <p>HONORABLE DANIEL SOLIS PRATT Judge</p> <p>Y. KRANTZ Deputy</p> <p>Sheriff</p>	<p>DEPT. SE D</p> <p>S. RAINWATER Deputy</p> <p>Clerk</p> <p>NONE Court Reporter</p>		
<p>4:00 pm</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; border-right: 1px solid black; padding-right: 10px;"> <p>JCCP004032</p> <p>IN RE: DIET DRUG CASES</p> </td> <td style="padding-left: 10px;"> <p>Plaintiff Counsel N/P</p> <p>Defendant Counsel N/P</p> </td> </tr> </table>	<p>JCCP004032</p> <p>IN RE: DIET DRUG CASES</p>	<p>Plaintiff Counsel N/P</p> <p>Defendant Counsel N/P</p>
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NATURE OF PROCEEDINGS: **RULING ON SUBMITTED MATTER:**
**DEFENDANTS' PETITION FOR GENERAL
ORDER RE IDENTIFICATION / DISMISSAL
OF PHENTERMINE DEFENDANTS**

The Court has reviewed all the papers before it and carefully considered the oral arguments made at the hearing. The matter having been taken under submission, the Court rules that petition is hereby **DENIED**.

Plaintiff's Proposed General Order #6 is hereby adopted **as amended by the Court**. A copy of the proposed order #6, previously submitted by plaintiffs and now amended by interlineation, is faxed to liaison counsel this date. Plaintiffs' liaison shall re-submit the amended order for the Court's signature.

As both parties agree, this court has broad discretion in managing these diet drug cases. See McGhan Medical Corp. v. Superior Court(1992) 11 Cal.App.4th 804, 812.

The Court cannot decide at this time the applicability of the doctrine of market share liability. As per plaintiffs' proposed order, the Court will entertain a Motion for Leave to Amend the Master Complaint to allege such a theory of liability. Any such motion must be filed within 30 days and must fully brief the applicability of market share liability. Appropriate briefs in opposition and reply may be filed pursuant to the normal rules of civil procedure.

A copy of this order is transmitted electronically and by fax this date to all liaison counsel.