

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

1,12

Date: Friday, January 22, 1999

**DEPT. SE D**

HONORABLE DANIEL SOLIS PRATT  
Judge

S. RAINWATER  
Clerk

Deputy

Y. KRANTZ  
Sheriff Deputy

J. LIBERTY  
Reporter

Court

**10:00 am**

JCCP004032

Plaintiff  
Counsel

IN RE: DIET DRUG CASES

Defendant  
Counsel

**NATURE OF PROCEEDINGS:**

Liaison counsel and Plaintiffs' Executive Committee appear as follows: MARK ROBINSON, JR.; WILLIAM HIRSCH; PETER POLOS; NANCY FINEMAN; TINA NIEVES; RAMON LOPEZ; JULIANNE BLOONER.

Defendants' Liaison counsel appear as follows: MARK SPOONER; TIMOTHY BRADFORD; PATRICIA CARMICHAEL; BARBARA REARDON; THOMAS MOORE.

The "case specific" motions for protective orders are called for hearing and argued. As to cases DD000053, DD000125, DD000129, DD000131, DD000144, DD000151, DD000274, DD000319 and DD000410, the motions stand submitted.

The court grants the motion in case DD000345 as reflected in the minutes of this date as to said case.

**PLAINTIFFS' MOTION FOR LEAVE TO FILE AMENDED MASTER COMPLAINT:**

The motion is called for hearing and argued. Hearing on the motion is ordered continued to **FEBRUARY 19, 1999 AT 10:00AM.**, in this department.

Except for any allegation regarding a Market Share Theory of Liability, the court finds the proposed Amended Master Complaint to be acceptable in both substance and form. The court continues the hearing on the motion only for the convenience of the Pharmacy Defendants. The Court anticipates that there shall be little if any change in the Proposed Amended Master Complaint when it is allowed to be filed on February 19, 1999.

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**STATUS CONFERENCE:**

Status conference as to the Master Case is called for hearing. Items addressed pursuant to the Agenda Proceed as follows:

**AGENDA ITEMS PURSUANT TO PHENTERMINE DEFENDANTS' REQUEST:**

1. Plaintiffs' request (and phentermine defendants' agreement) to continue the date of meet-and-confer efforts concerning the identification of phentermine defendants from January 29, 1999 to February 5, 1999; ***THE COURT APPROVES SAID CONTINUANCE.***
2. Parties required to be served with "generic" pleadings; ***STIPULATION IS FILED THIS DATE AS TO THIS ISSUE; ORDER AMENDING GENERAL ORDER NUMBER ONE IS SIGNED AND FILED THIS DATE.***
3. Proposal to allow for automatic joinder in generic and case-specific motions; ***MOVING PARTY SHALL INCLUDE LANGUAGE IN THE MOVING PAPERS INDICATING THAT SAID MOTION IS JOINED BY ALL SPECIFIED PARTIES; ANY PARTY NOT JOINING SHALL SUBSEQUENTLY FILE A NOTICE OF THE SAME.***

**AGENDA ITEMS PURSUANT TO PLAINTIFFS' REQUEST:**

4. Discussions regarding discovery starting March 1, 1999; ***NO SPECIFIC ORDER IS MADE AS TO THIS ITEM.***

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5. Verifications for the responses to General Order No. 6, and any phentermine defendants who have not yet responded to General Order No.6; ***COUNSEL ARE DIRECTED TO MEET AND CONFER INFORMALLY AS TO THIS ISSUE AND THE COURT DIRECTS PLAINTIFFS' TO FILE A NOTICED MOTION IN THE EVENT COMPLIANCE IS NOT ADEQUATE.***
6. American Home Products' cross-notice of MDL depositions into the California State coordinated litigation; ***THE COURT INDICATES THAT A RULING AS TO THIS ITEM SHALL BE ISSUED AND LIAISON COUNSEL SHALL BE NOTICED BY MAIL.***

**AGENDA ITEMS PURSUANT TO REQUEST OF HEALTH CARE PROVIDERS:**

6. Clarification as to exactly what discovery is allowable at this time; ***NO SPECIFIC ORDER IS ISSUED.***

**AGENDA ITEMS PURSUANT TO COURT'S REQUEST:**

8. Chambers meeting with liaison counsel at conclusion of all hearings. ***COURT AND COUNSEL CONFER INFORMALLY, OFF THE RECORD, AS TO SELECTION OF CASES THAT SHALL BE SET FOR TRIAL.***

***CONTINUED "MASTER CASE" STATUS CONFERENCE IS SET FOR MARCH 5, 1999 AT 10:00AM., IN THIS DEPARTMENT.***

COUNSEL APPEARING ON BEHALF OF PLAINTIFFS ARE AS FOLLOWS: JOHN RESTAINO; JOHN ZARIAN; THOMAS BRANDI; CHARLES SEWELL; ARTHUR

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<b>10:00 am</b>	JCCP004032	Plaintiff Counsel	
	IN RE: DIET DRUG CASES	Defendant Counsel	

SHERMAN; CRAIG S. WALKON; LAURA GIANNI; BRIAN PANISH; SHARON BILBEISI; SALVADOR LICCARDO; CARLOS PRIETTO.

COUNSEL APPEARING ON BEHALF OF DEFENDANTS ARE AS FOLLOWS:  
 RUSSELL HILES; H. GREGORY NELCH; ALEXANDER COBB; ELLEN DARLING;  
 JAMES HANSEN; ROBYN GEARY; MICHAEL STORTZ; PHILLIP HOWARD;  
 BARRY MARSH; JOSEPH CARLUCCI; MARA MARGULIES; DAVID STANLEY;  
 MICHAEL RUGGLES; ANTHONY BRAZIL; STEVEN OWEN; JESSICA TAKANO;  
 JANET KEUPER; BARBARA BACON; CARLA NASOFF; ARLENE WIESE; BRIAN  
 MOONEY; ANN ASIANO; R. JOSEPH DECKER; LAUREL VREELAND; JEFFERY  
 CARLSON; GEORGE ZISER; MICHAEL HEALY; MARO HORWITZ; GREGG  
 FARLEY; MELISSA FINK; CATHY SHIPE.

***LIAISON COUNSEL SHALL GIVE NOTICE OF HEARING.***