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17 Attorneys for Defendant  
18 SMITHKLINE BEECHAM CORPORATION, AND  
19 LIAISON COUNSEL ON BEHALF OF THE  
20 PHENTERMINE DEFENDANTS

21 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
22 FOR THE COUNTY OF LOS ANGELES

23 DIET DRUG LITIGATION ) Case No. Judicial Council Coordination  
24 ) Proceeding No. 4032  
25 )  
26 THIS DOCUMENT RELATES TO ALL ) STIPULATED GENERAL ORDER NO. 8  
27 ) RE: DISMISSALS OF PHENTERMINE  
28 ) DEFENDANTS

The parties to these coordinated proceedings, by and through their Liaison Counsel, hereby stipulate to the following:

1. In diet drug cases where a Plaintiff has been unable to identify a particular phentermine manufacturer or distributor as having manufactured and/or distributed a phentermine product ingested by the Plaintiff, the Plaintiff may agree to dismiss that unidentified Phentermine Defendant from the action. Any dismissal provided by the Plaintiff in such instances will be without prejudice pursuant to this Order, unless otherwise indicated on the dismissal form.

1           2.           In such cases, the Plaintiff may reinstitute his/her action against a  
2 previously dismissed Phentermine Defendant, should further discovery reveal that Plaintiff  
3 did ingest the dismissed Phentermine Defendant's product, by serving the previously  
4 dismissed Phentermine Defendant and all other parties to the action with an Adoption of  
5 the Master Complaint and an Amended Product Identification Due Diligence Statement  
6 which shall strictly comply with the requirements set forth in General Order No. 4.

7           3.           Any Phentermine Defendant dismissed pursuant to this order agrees that  
8 the applicable statute of limitations will be tolled from the date of the dismissal without  
9 prejudice to the initial trial date, unless the Coordination Court orders otherwise. In  
10 addition, a Phentermine Defendant dismissed without prejudice pursuant to this order who  
11 is not identified and served in accordance with paragraph 2., above, by the initial trial date  
12 shall be deemed dismissed with prejudice as of that date, unless the Coordination Court,  
13 for good cause shown, orders otherwise. Unless otherwise indicated on the dismissal form,  
14 each dismissal shall require the parties to bear their own costs.

15           4.           Within ten (10) days of proper service pursuant to paragraph 2 of this  
16 Order, any existing trial date shall be continued, at the request of the previously dismissed  
17 Phentermine Defendant, for a period of time no less than sixty (60) and no more than one  
18 hundred and twenty (120) days, to be determined by the Court after consultation with the  
19 parties, or such other period on which the parties agree.

20           5.           Upon service by Plaintiff pursuant to paragraph 2 a previously dismissed  
21 Phentermine Defendant may conduct whatever nonduplicative discovery it deems  
22 appropriate, including the taking of depositions of both percipient and expert witnesses  
23 whose depositions were previously taken, subject to the parameters set forth in any other  
24 applicable general orders. Plaintiff will offer to provide any previously dismissed  
25 Phentermine Defendant with transcripts of prior depositions, at defendant's cost.  
26 Defendant will review those transcripts and make a good faith effort to avoid duplicative  
27 interrogation.

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