

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: ZOLOFT (SERTRALINE	:	MDL NO. 2342
HYDROCHLORIDE) PRODUCTS	:	12-MD-2342
LIABILITY LITIGATION	:	
	:	HON. CYNTHIA M. RUFÉ

THIS DOCUMENT RELATES TO	:	
ALL ACTIONS	:	

**JOINT REPORT CONCERNING AGENDA
FOR MARCH STATUS CONFERENCE**

I. Status Overview

February was an active month in this litigation. There were multiple conferences with the Special Master on a variety of discovery issues. Nineteen depositions were taken, including 16 plaintiff and spouse depositions, one physician deposition, and two Pfizer witness depositions. Both plaintiffs and defendants continued to produce documents, and the document analysis is ongoing. Briefing is underway on Daubert issues, with Defendants' Reply Brief due this month.

II. State Court Cases and Coordination

Please see the Federal-State Liaison Report submitted with this report.

III. Initial Discovery Group Proceedings

As noted above, discovery in the initial discovery group cases is well underway. Multiple depositions are scheduled for March including depositions of plaintiffs and health care providers.

IV. Expert Hearings

Expert hearings are to take place the week of April 7, 2014.

V. Meetings with Special Master

As earlier noted, there have been regular meetings with the Special Master to seek his guidance on discovery and related issues. A conference is scheduled each week, unless there is no item to be considered in any given week.

VI. Dates for Additional Conferences

The parties propose the following dates, subject to the convenience of the Court, for additional Status Conferences:

April: immediately following the conclusion of the Daubert hearings.

May: Monday, May 5, 2014 (Lead Counsel and Ex. Committee only)

June: Monday, June 9, 2014

July: Tuesday, July 1 (Lead Counsel and Ex. Committee only)

September: Friday, September 12 or Thursday, September 11

October: Tuesday, October 14, 2014 (Lead Counsel and Ex. Committee only)

Thereafter, final pretrial proceedings and jury selection will be held beginning on Tuesday, October 28, 2014, pursuant to Pretrial Order Number 39.

Dated: March 4, 2014

/s/ Dianne M. Nast

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February 28, 2014

VIA FACSIMILE: (267) 299-5077

The Honorable Cynthia M. Rufe
 United States District Court
 Eastern District of Pennsylvania
 601 Market Street
 Philadelphia, PA 19106-1797

RE: *In re: Zolof (Sertraline Hydrochloride) Products Liability Litigation*, MDL No. 2342
 Multi-District Coordinator's Report No. 9.

Dear Judge Rufe:

This is the Multi-District Coordinator's Report No. 9 concerning pending Zolof MDL cases and pending state court cases filed in Alabama, California, Illinois, Missouri, New York, Pennsylvania and West Virginia.

Eastern District of Pennsylvania

There are approximately five-hundred-eighty nine (589) Zolof cases pending in this MDL Court.

Alabama

One case, *Corley*, is pending in state court in Alabama before Judge Elisabeth A. French. On January 21, 2014, Judge French entered a scheduling order for discovery and set an August 2015 jury trial.

Honorable Elisabeth A. French
 Circuit Court of Jefferson County, Alabama
 716 Richard Arrington, Jr. Blvd. N.
 Jefferson County Courthouse, Room 610
 Birmingham, Alabama 35203
 Telephone: (205) 325-5020

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California

On February 11, 2014, six Zoloft cases pending in California state court were coordinated in Orange County Superior Court. Two of the six cases – *Smith* and *Williams* – were remanded from this Court on November 14, 2013. Four additional Zoloft cases were filed in California state court shortly thereafter, on November 19, 2013.

The California coordinated proceeding has not yet been assigned to a particular judge.

Illinois

There was one case pending in St. Clair County, Illinois, *Wilson et al. v. Pfizer*, involving eight (8) Plaintiff families. The parties agreed to a voluntarily dismissal of the *Wilson* action in St. Clair County, and seven (7) of the eight (8) cases have since been refiled in the MDL.

Another case originally filed in St. Clair County (*Ratliff v. Pfizer*) involving one (1) Plaintiff family with twins, was transferred to this Court on August 15, 2013.

J.H. et al. v. Pfizer, involving seven (7) Plaintiff families, was originally filed in the Circuit Court of Cook County, Illinois, and was remanded by this Court to Cook County on November 13, 2013. The case has been assigned to Judge John P. Callahan, Jr. of the Cook County Law Division. Pfizer and Greenstone have recently filed a motion to dismiss the claims of the out-of-state plaintiff families on *forum non conveniens* grounds and a motion to sever plaintiffs' claims by plaintiff family. Defendants H.D. Smith and Smith Medical also recently moved to dismiss.

Honorable John P. Callahan, Jr.
Circuit Court of Cook County, Law Division
Daley Center
50 W. Washington St., Rm. 2203
Chicago, Illinois 60602
Telephone: (312) 603-6062

Additionally, on July 23, 2012, the Honorable G. Patrick Murphy of the Southern District of Illinois granted Plaintiffs' motion to remand in *Reeves et al. v. Pfizer*, which involved thirty-eight (38) Plaintiff families and was originally filed in St. Clair County, Illinois. Pfizer appealed the remand order to the Seventh Circuit Court of Appeals. The appeal remains pending.

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Missouri

Foster, et al. v. Pfizer involves multiple Plaintiff families and is pending before Judge John Garvey in the Circuit Court of St. Louis City, Missouri. Written discovery has been served by the Plaintiffs and responses have been served by Pfizer. On January 9, 2014, the court entered a scheduling order governing discovery and expert disclosures and challenges and set a preemptory trial setting for February 9, 2015. A pre-trial conference was held on February 20, 2014, and a further conference is scheduled for March 27, 2014. The parties are working on a plan regarding discovery and selection of cases for trial.

Honorable John Garvey
Twenty-Second Judicial Circuit of the State of Missouri
10 N. Tucker Blvd.
St. Louis, MO 63101
Telephone: (314) 622-4841

There are also two cases pending in Cole County Circuit Court in the Celexa/Lexapro coordinated litigation (*Jenkins* and *Griffith*) in which Pfizer has also been named as a defendant. The litigation is pending before Judge Patricia Joyce.

Honorable Patricia S. Joyce, Presiding Judge
Nineteenth Judicial Circuit of the State of Missouri
301 East High Street
Jefferson City, MO 65101
Telephone: (573) 634-9178

New York

There is one case pending in Oneida County before Justice Bernadette Clark (the *Hernandez* case), and written discovery has been served in that case.

There are four cases pending in New York County before Justice Carol E. Huff (*Petroci*, *Jones*, *Ruckdeschel*, and *Wolcott*). Written discovery has been served in *Petroci*. On October 8, 2013, Justice Huff granted Pfizer's motion to dismiss the complaint in a fifth case, *Weese*, on the ground that the plaintiff used a generic version of sertraline made and sold by another company. Plaintiffs have appealed that order. There are no other pending motions in any of the remaining New York County cases.

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Finally, there is one case pending in Richmond County (*Guzzo*) that has been assigned to Justice Philip G. Minardo. Written discovery has been served and a scheduling order has been entered. There are no pending motions.

Honorable Justice Bernadette Clark
Supreme Court, Oneida County
200 Elizabeth Street
Utica, NY 13501
Telephone: (315) 266-4310

Honorable Carol E. Huff
Supreme Court, Civil Branch, New York County
60 Centre Street
New York, NY 10007.
Telephone: Guy Owen (Clerk) – (646) 386-3281

Honorable Philip G. Minardo
Supreme Court, Richmond County
18 Richmond Terrace
Staten Island, NY 10301
Telephone: Robert Soos, Esq. (Law Clerk) – (718) 675-8602

Pennsylvania

There is one case pending in the Philadelphia County Court of Common Pleas, *Robinson v. Wolters Kluwer, Inc. et al.*, pending before the Honorable Lisa M. Rau. Written discovery has been served by Plaintiff and responses served by Pfizer. There are no pending motions. A projected trial date has been set for February 2, 2015.

Honorable Lisa M. Rau
Court of Common Pleas of Philadelphia County
City Hall, Room 593
Philadelphia, PA 19107
Telephone: (215) 686-3768

West Virginia

There are two proceedings, involving 25 Plaintiff families, pending in West Virginia state court. One complaint (the *Cook* case) was filed in the Circuit Court of Wayne County, West Virginia on behalf of nineteen (19) Plaintiff families on July 11, 2012. A second complaint (the *Hughes*

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case) was filed on behalf of six (6) Plaintiff families on October 28, 2013, and was subsequently consolidated with the *Cook* action.

On December 23, 2013, Pfizer and Greenstone filed a notice of removal of the *Cook* case to the U.S. District Court for the Southern District of West Virginia. On January 14, 2014, an administrative order was issued by the Supreme Court of Appeals of West Virginia granting a motion to transfer both cases to the Mass Litigation Panel. On February 5, 2014, Judge Robert Chambers of the Southern District of West Virginia issued an order remanding the *Cook* case to Circuit Court of Wayne County, which automatically transferred the case to the Mass Litigation Panel pursuant to the January 14, 2014, administrative order.

A Status and Scheduling Conference is set to take place before the Mass Litigation Panel on March 4, 2014. The Honorable James P. Mazzone has been assigned to serve as Lead Presiding Judge for the Mass Litigation Panel.

Honorable James P. Mazzone
Ohio County Courthouse
1500 Chapline Street
Room 506
Wheeling, WV 26003
Telephone: (304) 234-3620

Respectfully,



Bryan F. Aylstock

cc: Katherine Armstrong (via e-mail)
Mara Cusker Gonzalez (via e-mail)
Mark Cheffo (via e-mail)
Catherine Stevens (via e-mail)
Kim Lambert (via e-mail)

CERTIFICATE OF SERVICE

I hereby certify that, on March 4, 2014, I caused a true and correct copy of the foregoing JOINT REPORT CONCERNING AGENDA FOR MARCH STATUS CONFERENCE to be served this day via the Court's CM/ECF filing system.

/s/ Dianne M. Nast

Dianne M. Nast