

BRYAN F. AYLSTOCK (FL, AL, MS)*
JUSTIN G. WITKIN (FL, MS)
DOUGLASS A. KREIS (FL)
NEIL D. OVERHOLTZ (FL)
R. JASON RICHARDS (FL, CO)
BOBBY J. "BRAD" BRADFORD (FL, AL)
STEPHEN H. ECHSNER (FL)
D. RENÉE BAGGETT (FL)
DANIEL J. THORNBURGH (FL, MN)



**Aylstock, Witkin,
Kreis & Overholtz, PLLC**
www.AWKOLAW.com

17 EAST MAIN STREET, SUITE 200 - PENSACOLA, FLORIDA 32502
PHONE: (850) 202-1010 - FAX: (850) 916-7449

NATHAN C. BESS (FL)
E. SAMUEL "SAM" GEISLER (FL, IL)
JAMES D. BARGER (PA, NJ)
ANGEL N. STULL (FL, NY)
CHELSJE R. WARNER (MT, NV)
MARY LIU (CA, FL)
BEN H. ANDERSON (OH, CA)*
DONNA TAYLOR-KOLIS (OH)*
CHRISTOPHER J. ZIMMERMAN (OH)*

* States in which attorney is licensed to practice law

* Of counsel

July 16, 2013

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: Zolofit (Sertraline Hydrochloride) Products Liability Litigation*, MDL No. 2342
Multi-District Coordinator's Report No. 7

Dear Judge Rufe:

This is the Multi-District Coordinator's Report No. 7 concerning pending Zolofit MDL cases and pending state court cases filed in California, Illinois, Missouri, New York, Pennsylvania and West Virginia.

Eastern District of Pennsylvania

There are approximately four-hundred-forty-nine (449) Zolofit cases pending in this MDL Court.

California

On November 28, 2012, a complaint was filed on behalf of twelve (12) Plaintiff families (collectively referred to as the *Barber* case) in the Superior Court of San Francisco County, California. Pfizer removed the *Barber* case to the Northern District of California and Plaintiffs moved to remand. On June 11, 2013, the JPMDL issued an order transferring the action to the Zolofit MDL. More recently, on July 12, 2013, Pfizer was served with seven (7) additional Zolofit actions filed in various counties in California state court.

Illinois

There is one case pending in St. Clair County, Illinois, *Wilson et al. v. Pfizer*, involving eight (8) Plaintiff families. The case is pending before the Honorable Andrew Gleeson, who heard argument on Pfizer's motions to sever and to dismiss on forum non conveniens grounds in July 2012. These motions remain pending.

The Honorable Cynthia M. Rufe
July 16, 2013
Page 2

Honorable Andrew Gleeson
Twentieth Judicial Circuit Court
St. Clair County Building
10 Public Square
Belleville, IL 62220
Telephone: Susan Brem (Clerk) – (618) 825-2338

In a second case originally filed in St. Clair County (*Ratliff v. Pfizer*) involving one (1) Plaintiff family with twins, Pfizer recently removed the case to the Southern District of Illinois after the state court granted the local hospital defendant's motion to dismiss. The case is pending before Judge David Herndon.

Honorable David R. Herndon
Chief Judge, Southern District of Illinois
750 Missouri Avenue
East St. Louis, IL 62201
Telephone: (618) 482-9077

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 filed a Notice of Appeal with the Court of Appeals for the Seventh Circuit. The appeal remains pending.

Missouri

Foster, et al. v. Pfizer involves twenty-three (23) Plaintiff families and is pending before Judge Steven R. Ohmer. Written discovery has been served by the Plaintiffs and responses have been served by Pfizer. There are no pending motions in *Foster*.

Honorable Steven Russell Ohmer
Twenty-First Judicial Circuit of the State of Missouri
10 N. Tucker Blvd.
St. Louis, MO 63101
Telephone: (314) 622-5606

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.

The Honorable Cynthia M. Rufe
July 16, 2013
Page 3

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 now five cases pending in New York County before Justice Carol E. Huff (*Petroci, Weese, Jones, Ruckdeschel, and Wolcott*). Written discovery has been served in *Petroci*. On December 21, 2012, the *Weese* Plaintiffs filed a motion to dismiss Pfizer's affirmative defenses related to duty. On February 7, 2013, Pfizer cross-moved to dismiss the complaint on the ground that Pfizer has no duty or liability because Plaintiff allegedly used a generic version of sertraline made and sold by another company. These *Weese* motions have been fully briefed and the parties have requested oral argument. There are no other pending motions in any of the remaining New York County cases. Finally, there is one case pending in Richmond County (*Guzzo*) that has not yet been assigned to a judge.

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

Pennsylvania

There is one (1) case pending in the Philadelphia County Court of Common Pleas, *Robinson v. Wolters Kluwer, Inc. et al.* Written discovery has been served by Plaintiff and responses served by Pfizer. There are no pending motions; however, a revised case management order was issued by Judge Sandra Mazer Moss on June 17, 2013, setting the case for trial by April 7, 2014.

The Honorable Cynthia M. Rufe
July 16, 2013
Page 4

Honorable Sandra Mazer Moss
Court of Common Pleas of Philadelphia County
City Hall, Room 392
Philadelphia, PA 19107
Telephone: (215) 686-7910

West Virginia

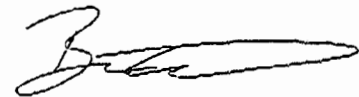
There is one case pending in the Circuit Court of Wayne County, West Virginia, before the Honorable James H. Young, Jr., involving a single Plaintiff family. The complaint was filed on behalf of nineteen (19) Plaintiff families. Each Plaintiff family was docketed as a separate civil action and eighteen (18) of the nineteen (19) cases were removed to federal court by Pfizer.

Pfizer filed a Motion to Dismiss on grounds of forum non-conveniens in the one case (the Dropp family) that remained pending before Circuit Court Judge James H. Young, Jr. Judge Young denied Pfizer's motion and the West Virginia Supreme Court of Appeals denied Pfizer's petition for a writ of prohibition. On February 27, 2013, Judge Young entered an order directing the parties to proceed with discovery, coordinating where possible with the MDL. Judge Young has previously been notified that the MDL stands ready to assist in coordinating discovery to the extent it may be helpful.

On September 25, 2012, the Honorable Robert C. Chambers of the Southern District of West Virginia issued an order remanding the remaining eighteen (18) cases to the Circuit Court of Wayne County. Pfizer filed a Notice of Appeal with the Fourth Circuit Court of Appeals. On July 12, 2013, the Fourth Circuit dismissed the appeal for lack of jurisdiction.

Honorable James H. Young, Jr.
Twenty-Fourth Judicial Circuit, Wayne County
P.O. Box 38
Wayne, WV 25570
Telephone: (304) 272-6332

Respectfully,



Bryan F. Aylstock

cc: Katherine Armstrong (via e-mail)
Mara Cusker Gonzalez (via e-mail)
Mark Cheffo (via e-mail)

The Honorable Cynthia M. Rufe
July 16, 2013
Page 5

Catherine Stevens (via e-mail)
Rachel Passaretti-Wu (via e-mail)
Kim Lambert (via e-mail)
Stephen Corr (via e-mail)