

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

IN RE: ZOLOFT (SERTRALINE HYDROCHLORIDE) PRODUCTS LIABILITY LITIGATION	:	MDL NO. 2342 12-MD-2342
THIS DOCUMENT RELATES TO: ALL ACTIONS	:	HON. CYNTHIA M. RUFÉ

**PRETRIAL ORDER NO. 21
(AMENDING PRETRIAL ORDER NO. 17)
SELECTION OF INITIAL DISCOVERY GROUP**

AND NOW, this 25th day of February 2013, pursuant to Pretrial Order No. 20 (“PTO 20”) and to promote efficiency for the Court and the parties in the above-captioned matter, the Court hereby enters this Pretrial Order amending Pretrial Order No. 17 to set forth the protocol for selecting cases consolidated in MDL No. 2342 to be included in the Initial Discovery Group and proceed to Threshold Discovery as defined in PTO 20.

The Court agrees with the Parties that an Initial Discovery Group of 25 cases is appropriate. The 25 cases will be selected as follows:

- (1) In those cases where multiple Plaintiff firms are listed as attorneys for Plaintiff families,¹ those Plaintiffs’ counsel shall advise Pfizer Inc. and Greenstone LLC (the “Pfizer Defendants”) which firm is primary counsel to each Plaintiff family no later than January 31, 2013, and continue to update that list as new cases are filed thereafter.
- (2) On or before March 15, 2013, the Plaintiff’s Steering Committee (“PSC”) will select 12 cases to be included in the Initial Discovery Group (“PSC Selections”)

¹ As used herein, “Plaintiff family” means a minor Plaintiff or minor decedent, and that Plaintiff’s or decedent’s parents, guardians, and legal representatives.

and will send their list of cases (including Plaintiff name and MDL Docket No.) to Defendants and the Court. PSC Selections must be distributed so that no Plaintiff firm is primary counsel for more than two cases among the PSC Selections.

- (3) On or before March 22, 2013, the Pfizer Defendants will select 13 cases to be included in the Initial Discovery Group (“Pfizer Selections”) and will send their list of cases (including Plaintiff name and MDL Docket No.) to the PSC and the Court. Pfizer Selections must be distributed so that no Plaintiff firm is primary counsel for more than two cases in the Pfizer Selections.
- (4) In the event that a Plaintiff family is dismissed from the PSC Selections prior to May 15, 2013, the PSC shall select another Plaintiff family with the same primary counsel.
- (5) In the event that a Plaintiff family is dismissed from the PSC Selections prior to May 15, 2013, Pfizer shall select another Plaintiff family from any case in the MDL. In the event that a Plaintiff family is dismissed from the Pfizer Selections after May 15, 2013, Pfizer may, at its discretion, select another Plaintiff family to replace any such dismissed Plaintiff family.
- (6) Replacement cases will be selected within 15 days of dismissal of the original case.
- (7) Expanded Plaintiff Fact Sheets will be served for replacement cases within 30 days after notice of selection has been provided to the non-selecting party.

The deadline for Plaintiffs in the Initial Discovery Group to respond to the expanded Plaintiff Fact Sheet is extended to April 15, 2013, for the 12 PSC Selections and is extended to April 22, 2013 for the 13 Pfizer Selections.

Whenever notice to the opposing party is required to be given pursuant to this Order, notice by e-mail shall be sufficient. Notice to the Pfizer Defendants shall be directed to:

Mark.Cheffo@skadden.com
Catherine.Stevens@skadden.com

Notice to Plaintiffs shall be directed to the primary counsel for the plaintiff family whose action is affected and to:

DNast@NastLaw.com
beachlawyer51@hotmail.com

IT IS SO ORDERED.

BY THE COURT


CYNTHIA M. RUFÉ, J.