

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

_____)	MDL 1938
IN RE: VYTORIN/ZETIA MARKETING,)	Master Docket No. 08-285 (DMC)
SALES PRACTICES AND PRODUCTS)	
LIABILITY LITIGATION)	
_____)	CASE MANAGEMENT ORDER NO. 3
THIS DOCUMENT RELATES TO:)	
ALL CASES)	
_____)	

WHEREAS, the Court held an initial status conference on April 22, 2008 to address preliminary issues with respect to the future conduct of the above-captioned multidistrict litigation (the "Litigation"); and

WHEREAS, the Court appointed Interim Co-Liaison Counsel to, *inter alia*, coordinate among Plaintiffs' counsel, and to submit to the court for its consideration, a proposed Plaintiffs' organizational structure no later than May 6, 2008; and

WHEREAS, Co-Liaison Counsel have reported to the Court by way of letter dated May 6, 2008, and have recommended to the Court an organizational structure consisting of 12 law firms to comprise a Plaintiffs' Steering Committee; and

WHEREAS, on May 9, 2009 the Court entered Case Management Order No. 2 which required that any counsel who wished to object to the organizational structure proposed by Co-Liaison Counsel file with the Court a detailed objection setting forth the basis of counsel's objection, and any alternate proposal advanced by such counsel; and

WHEREAS, the Court is in receipt of two objections filed in accordance with Case Management Order No. 2, as well as Co-Liaison Counsel's responses to those objections; and for good cause shown:

It is on this 4 day of June, 2008, ORDERED as follows:

1. The Court adopts the May 6 proposal of Co-Liaison Counsel and hereby makes the following appointments to act on behalf of plaintiffs with the responsibilities set forth below:
 - a. Co-Liaison Counsel:
 - i. James E. Cecchi
 - ii. Christopher Seeger/Stephen Weiss (Seeger Weiss, LLP)
 - b. Executive Committee of Plaintiffs' Steering Committee
 - i. James E. Cecchi
 - ii. Christopher Seeger/Stephen Weiss
 - iii. Steve Berman/Thomas Sobol (Hagens Berman Sobol Shapiro LLP)
 - iv. Elizabeth Cabraser (Lief Cabraser)
 - v. Perry Weitz (Weitz & Luxemberg)
 - c. Plaintiffs' Steering Committee
 - i. James E. Cecchi
 - ii. Christopher Seeger/Stephen Weiss
 - iii. Steve Berman/Thomas Sobol
 - iv. Elizabeth Cabraser
 - v. Perry Weitz

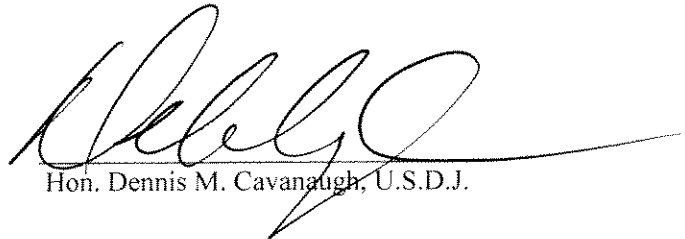
- vi. Stephen Neuwirth (Quinn Emanuel)
- vii. Adam Levitt (Wolf Haldenstein)
- viii. Joseph Whatley, Jr. (Whateley Drake, LLP)
- ix. Jay Eisenhofer/Steve Grygiel (Grant & Eisenhofer)
- x. Barry Eichen (Eichen, Levinson)
- xi. Stephen Maher (Maher Law Firm)
- xii. James Dugan (The Dugan Law Firm)

d. Consumer Liaison To Executive Committee

- i. Adam Levitt

2. Plaintiffs' Executive Committee and Liaison Counsel, in consultation with the other members of Plaintiffs' Steering Committee, shall be responsible for coordinating the activities of plaintiffs during pretrial proceedings and shall:
- a. determine and shall have sole authority to present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the court and opposing parties the position of the plaintiffs on all matters arising during pretrial proceedings;
 - b. coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of the Federal Rules;
 - c. conduct settlement negotiations on behalf of plaintiffs;
 - d. delegate specific tasks to other counsel or committees of counsel, in a manner to ensure that pretrial preparation for the plaintiffs is conducted efficiently and effectively;

- e. enter into stipulations with opposing counsel as necessary for the conduct of the litigation;
 - f. monitor the activities of all counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;
 - g. perform such other duties as may be incidental to the proper coordination of plaintiffs' pretrial activities or authorized by further order of the court.
3. In addition to the duties described above, Co-Liaison Counsel shall:
- a. maintain and distribute to other counsel and to defendants an up to date service list;
 - b. receive and, as appropriate, distribute to counsel orders from the court, and documents from opposing parties and counsel;
 - c. maintain and make available to counsel at reasonable hours a complete file of all documents served by or upon each party; and
 - d. establish and maintain a document depository.
4. Within one week of the date of this Order defendants and plaintiffs are directed to submit to the Court a proposed schedule regarding the filing of a Consolidated Amended Complaint and other pre-trial matters.



Hon. Dennis M. Cavanaugh, U.S.D.J.