

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**IN RE: Seroquel Products Liability
Litigation**

Case No. 6:06-md-1769-Orl-22DAB

ORDER

This cause comes before the Court for consideration of AstraZeneca's Unopposed Motion to Set Schedule and Procedures for Live Testimony (Doc. 1475), filed July 10, 2009. The motion relates to the hearing presently scheduled for July 28, 2009, at which AstraZeneca is set to present the testimony of three generic fact witnesses, Mark Scott, Dr. Lisa Rarick, and John S. Patterson, for purposes of determining admissibility.

AstraZeneca now states that it will not present Mark Scott's testimony at the hearing, but indicates that he may later testify as a live witness or by deposition "in one or more trials in this or other federal or state courts." Doc. 1475 at 1-2. AstraZeneca's attempt to reserve Mr. Scott's testimony for presentation at a later date is rejected. The Court intends to return the cases in this MDL to their transferor courts with *all* generic witness testimony fully prepared for trial. *See* Doc. 1419 at 2. Therefore, if Mr. Scott is unable to appear at the scheduled hearing, AstraZeneca may instead submit his testimony by deposition using the procedures for submission set forth in this Court's prior Order of May 1, 2009 (Doc. 1419). Should AstraZeneca fail to either present Mr. Scott for live testimony on July 28 or submit his testimony by deposition on or before September 30, 2009, the Court will recommend to the transferor courts that they bar AstraZeneca from calling Mr. Scott as a witness in future Seroquel cases.

In addition, AstraZeneca informs the Court that John S. Patterson is unavailable to testify at the scheduled hearing due to his required attendance at a board meeting in the United Kingdom the same day. In lieu of his appearance on July 28, AstraZeneca proposes that the Court do one of three things: (1) take Mr. Patterson's testimony by telephone or video conference from the U.K. on July 30, 2009; (2) accept his testimony for admissibility ruling by deposition, to be taken in the U.K. on July 30, 2009; or (3) schedule Mr. Patterson for live testimony in the United States on or after September 30, 2009. Given AstraZeneca's stated preference for presenting Mr. Patterson's testimony live, the Court will reserve the day of October 5, 2009 for Mr. Patterson to testify before this Court.

Finally, AstraZeneca states that its third witness, Dr. Lisa Rarick, will appear on July 28, and additionally requests that her testimony be videotaped for use at future trials. Plaintiffs have no objection to this request, and the Court sees no reason to prohibit videotaping in the courtroom for the limited purpose of preserving Dr. Rarick's testimony for use at multiple trials. Therefore, AstraZeneca will be permitted to videotape Dr. Rarick's testimony before this Court on July 28, 2009, consistent with the video deposition guidelines set forth in CMO No. 3.

Having considered the motion, and noting that Plaintiffs do not object to any of the relief requested therein, the Court **ORDERS** as follows: AstraZeneca's Unopposed Motion to Set Schedule and Procedures for Live Testimony (Doc. 1475) is **GRANTED in part** and **DENIED in part**, as previously detailed herein.

DONE and **ORDERED** in Chambers, in Orlando, Florida on July 15, 2009.

Copies furnished to:
Counsel of Record
Unrepresented Party



ANNE C. CONWAY
United States District Judge