

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

**IN RE: Seroquel Products Liability  
Litigation**

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

---

**This Document Relates to ALL CASES**

---

**ORDER**  
**(CS Administrative Order No. 3)**

This cause is before the Court upon the request of the Special Master appointed by the Court by Order of August 3, 2007 (Document No. 348), joined in by MDL Plaintiffs and Defendants, for an Order aiding in the coordination of case-specific discovery in this MDL. After consideration of this request and finding that such an Order would facilitate the orderly, uniform and cost-effective acquisition of relevant information and materials for this litigation, it is **ORDERED** as follows:

**1. *The Basis for this Order.*** This Order is issued pursuant to the Court's authority to direct and control the coordinated discovery in this litigation pursuant to 28 U.S.C. §1407, Fed.R.Civ.P. 16 and Fed.R.Civ.P. 26(b), and the Court's inherent authority to implement its Order of June 11, 2007 (Document No. 225) and Case Management Order No. 4 entered on July 6, 2007 (Document No. 263) regarding case-specific discovery in this MDL.

**2. *Cases Affected by this Order.*** This Order applies to all cases transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to its Order of July 6, 2006 or as tag-along actions, and all related cases originally filed in this Court or transferred or removed to this Court.

**3. *Purpose of this Order.*** This Order modifies Case Management Order No. 4 (Document No. 263) entered by the Court on July 6, 2007, to implement the designation of Plaintiffs for case-specific discovery 60 days in advance of the month in which such discovery is to occur, rather than the 30 days required by CMO4, and to effect certain other modifications to CMO 4 necessary to transition to designation of cases 60 days in advance.

**4. *Designation of Plaintiffs for Case-Specific Discovery During the Transition Period.*** Paragraph I.C of CMO 4 is modified as follows:

**(a) Cases for Case-Specific Discovery in December 2007:**

- (1) October 15, 2007: Defendants shall designate ten cases.
- (2) October 18, 2007: Plaintiffs shall designate ten cases.
- (3) On or about October 22, 2007: The Court shall designate ten cases.

**(b) Cases for Case-Specific Discovery in January 2008:**

- (1) October 26, 2007: Defendants shall designate ten cases.
- (2) October 30, 2007: Plaintiffs shall designate ten cases.
- (3) On or about November 1, 2007: The Court shall designate ten cases.

**5. *Designation of Cases for Case-Specific Discovery After the Transition Period.*** Following the designation of cases for January 2008 as specified in Paragraph 4, cases shall be designated for case-specific discovery 60 days in advance of the month in which the discovery is to occur. By way of example:

- (a) November 27, 2007: Defendants shall designate 10 cases for February 2008.
- (b) November 30, 2007: Plaintiffs shall designate ten cases for February 2008.
- (c) On or about December 3, 2007: The Court shall designate ten cases for February 2008.

**6. *Defendants' Production of Contact Documents During the Transition Period.*** Paragraph II.A of CMO 4 is modified during the transition period to require Defendants to provide all available documentation regarding contact with a Plaintiff's prescribing physician within seven business days after the designation of that Plaintiff to be subject to case-specific discovery. As a result:

**(a) December 2007 Cases:**

- (1) October 24, 2007: Defendants shall produce documentation for the ten cases designated by Defendants on October 15, 2007.
- (2) October 29, 2007: Defendants shall produce documents for the ten cases designated by Plaintiffs on October 18, 2007.

- (3) October 31, 2007 (or seven business days after the Court's case designations, if later): Defendants shall produce documents for the ten cases designated by the Court on October 22, 2007.

**(b) January 2008 Cases:**

- (1) November 6, 2007: Defendants shall produce documents for the ten cases designated by Defendants on October 26, 2007.
- (2) November 8, 2007: Defendants shall produce documents for the ten cases designated by Plaintiffs on October 30, 2007.
- (3) November 12, 2007 (or seven business days after the Court's case designations, if later): Defendants shall produce documents for the ten cases designated by the Court on November 1, 2007.

**7. *Defendants' Production of Contact Documents After the Transition Period.*** Beginning with case designations by Defendants on November 27, 2007, for February cases, Defendants shall provide all available documents relating to contact with the prescribing physician within five business days after the designation of a Plaintiff to be subject to case-specific discovery, as provided in Paragraph II.A of CMO 4.

**8. *Plaintiffs' Designation of Sale Representatives for Depositions During the Transition Period.*** During the transition period, within four business days after Defendants' provision of documents regarding contact with the prescribing physician, Plaintiffs may, at their option, designate for deposition one sales representative associated with each prescribing physician to be deposed in a case designated for case-specific discovery. Accordingly, Paragraph II.B of CMO 4 is modified as follows:

**(a) December 2007 Cases:**

- (1) October 30, 2007: Plaintiffs shall designate sales representatives for the ten cases designated by Defendants on October 15, 2007.
- (2) November 2, 2007: Plaintiffs shall designate sales representatives for the ten cases designated by Plaintiffs on October 18, 2007.
- (3) November 6, 2007 (or four business days after the Defendants' production of contact documents, if later): Plaintiffs shall designate sales representatives for the ten cases designated by the Court on October 22, 2007.

(b) **January 2008 Cases:**

- (1) November 12, 2007: Plaintiffs shall designate sales representatives for the ten cases designated by Defendants on October 26, 2007.
- (2) November 14, 2007: Plaintiffs shall designate sales representatives for the ten cases designated by Plaintiffs on October 30, 2007.
- (3) November 16, 2007 (or four business days after the Defendants' production of contact documents, if later): Plaintiffs shall designate sales representatives for the ten cases designated by the Court on November 1, 2007.

**9. *Plaintiffs' Designation of Sale Representatives for Depositions After the Transition Period.*** Beginning with the cases designated by Defendants for case-specific discovery on November 27, 2007, for February cases, within two business days after provision by Defendants of documents regarding contact with the prescribing physician, Plaintiffs may, at their option, designate for deposition for sales representative associated with the prescribing physician to be deposed, as provided in Paragraph II.B of CMO 4.

**10. *Compliance with this Order and With CMO 4.*** The deadlines applicable to the transition period effected by this Order are summarized in the schedule attached to this Order as Exhibit 1. The Parties and the Project Management Office shall proceed with diligence to conduct case-specific discovery on a particular case for the month in which the case has been designated for case-specific discovery. If, despite their best efforts and the exercise of such diligence, the Parties and the Project Management Office are unable to secure a deposition in a case during the month in which it is schedule to occur, the Parties shall conduct such deposition at the earliest available opportunity.

**11. *Naming Convention for Orders in Aid of Case-Specific Discovery.*** To permit the parties and the Court to identify and refer to orders entered in aid of case-specific discovery, the Court shall name each such order as a "CS Administrative Order" with a number in a consecutive numbering sequence. Accordingly, the Order entered on September 19, 2007 (Document No. 483) shall be referred to as CS Administrative Order No. 1. The Order entered on September 19, 2007 (Document No. 484) shall be referred to as CS Administrative Order No. 2. This Order shall be referred to as CS Administrative Order No. 3.

**DONE and ORDERED** in Orlando, Florida, on October 5, 2007.

*David A. Baker*

---

DAVID A. BAKER  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
Counsel of Record