

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: DIGITEK
PRODUCTS LIABILITY LITIGATION

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER #10
(Status Conference Deadlines and Related Matters)

A status conference was held on Wednesday, January 28, 2009, by the undersigned and Mary E. Stanley, United States Magistrate Judge. A complete list of attendees is attached. The court considered a number of issues raised by Co-Lead and Liaison Counsel and pursuant to those discussions it is hereby **ORDERED**:

1. The parties shall file with the court an agreed Protective Order no later than Friday, January 30, 2009.
2. The parties shall have until February 4, 2009, to meet and confer in an effort to reach an agreed Preservation Order. In the absence of an agreement by that date, briefs must be filed by both parties outlining their positions on outstanding issues no later than February 11, 2009, with responses by no later than February 16, 2009, and replies by no later than February 18, 2009.
3. A Master Complaint shall be filed with the court by Plaintiffs' Co-Lead Counsel no later than February 6, 2009.

4. A proposed Scheduling Order shall be filed with the court no later than February 13, 2009. In the absence of agreement by that date a court imposed scheduling order will be entered.
5. The next status conference will be held on **Thursday, March 5, 2009, at 10:00 a.m.** in the undersigned's chambers. The dates for subsequent monthly status conferences will be agreed upon at this conference. Any attorney representing any party, or any unrepresented party may attend the status conference but only Liaison and Lead Counsel, or such other counsel as the court may permit, may actively participate in the status conference. The Plaintiffs' Steering Committee Chairperson may actively participate in the status conference to the extent that the conference deals with issues under the control or management of the Plaintiffs' Steering Committee. Lead Counsel for the parties shall confer and submit any proposed agenda items for the conference directly to the court via fax or to WVSDml_Digitek_Chambers@wvsd.uscourts.gov no later than March 3, 2009.
6. The following are hereby appointed as Co-Lead Counsel for the Mylan defendants:

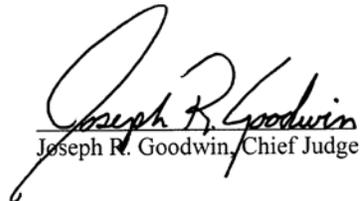
Madeleine M. McDonough
Shook, Hardy and Bacon, LLP
2555 Grand Blvd.
Kansas City, Missouri 64108
816-474-6550 x-18017 Phone
816-421-5547 Fax
mmcdonough@shb.com

Harvey L. Kaplan
Shook, Hardy and Bacon, LLP
2555 Grand Blvd.
Kansas City, Missouri 64108
816-474-6550 x-19001 Phone
816-421-5547 Fax
hkaplan@shb.com

Mylan's Co-Lead Counsel shall have the same duties and responsibilities as previously appointed Co-Lead Counsel for the defendants as outlined in PTO #4 issued on November 5, 2008.

The court **DIRECTS** the Clerk to file a copy of this order in 2-08-md-1968 which shall apply to each member Digitek-related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2-09-cv-0070. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: January 29, 2009


Joseph R. Goodwin, Chief Judge

Attendees at January 28, 2009 Status Conference

Chief Judge Joseph R. Goodwin

Magistrate Judge Mary E. Stanley

Kim Fields - Mass Tort Manager for WV Supreme Court of Appeals

Fred Thompson - Plaintiff's Co-lead Counsel (via phone)

Carl Frankovitch - Plaintiff's Co-lead Counsel

Harry Bell - Plaintiff's Co-Lead Counsel and Liaison Counsel

Teresa Toriseva - Chairperson, Plaintiffs' Steering Committee (via phone)

Rebecca Betts - Defendants' Liaison Counsel

Matt Moriarity - Defendants' Co-lead Counsel - Actavis parties

Richard Dean - Defendants' Co-lead Counsel - Actavis parties

Madeleine McDonough - Defendants' Co-lead Counsel - Mylan parties (via phone)

Ericka Downie - Defendants' counsel - Mylan parties (via phone)

Meghan Johnson - Associate of Plaintiffs' Co-Lead Counsel (via phone)

Stan Jackson - Counsel for plaintiff Doris Pindar (via phone)

Kate Fife - Law clerk for the Honorable Mary E. Stanley

Angie Volk - Law clerk for the Honorable Joseph R. Goodwin