

U.S. District Court
Southern District of West Virginia - Charleston

Civil Docket for Case Number ## 2:03-cv-02095

Bates, et al v. Bristol-Myers Squibb, et al

Assigned to: Judge Joseph R. Goodwin

Referred to:

Date Filed: 8/21/2003

Filed Date	Doc. #	Docket Text
8/21/2003	1	ORDER Transferring case to the Southern District of West Virginia, with the original record from the Southern District of Mississippi. (pdb)
8/21/2003	-	Consolidated Member Case; Lead Case Number: 2:02md1477, In re Serzone Products Liability Litigation. (pdb)
9/23/2003	2	RESPONSE by Billie D. Bates in opposition to S. M. Allen, M.D.'s motion to dismiss, to sever, to file crossclaim, and to dismiss (2nd). (motion not yet filed) (ras)
9/26/2003	3	OBJECTION by Billie D. Bates to to S. M. Allen, M.D.'s written discovery. (certificate of service for discovery not yet filed) (ras)
9/30/2003	4	ORDER Granting plaintiff Sandra Tidwell's motion to dismiss her claim against Spencer Coleman, M.D., with full reservation of rights by Sandra Tidwell to proceed on her other causes of action as stated in the complaint . (signed by Judge JosephR. Goodwin) (cc: attys) (ras)
10/1/2003	5	NOTICE OF RE-FILING OF MOTION with Memorandum Brief in Support by Billie D. Bates to remand case to the Circuit Court of Smith County, Mississippi , for preliminary injunction , and/or stay of transfer to the MDL , with a copy of the motion as filed in the USDC/SDMS attached. (ras)
10/9/2003	6	LETTER-FORM BRIEF by Bristol-Myers Squibb in response to Plaintiffs'; [5-1] Notice of Re-Filing of Motion to Remand case to the Circuit Court of Smith County, Mississippi. (tld)
10/9/2003	7	BRIEF by Bristol-Myers Squibb in response to co-defendant S.M. Allen, M.D.'s Motions to Dismiss, Motion to Sever and Motion to File Cross Claim. (Motion not yet filed in this District; called attorney William B. Carter to ask him to send a copy to this District for the record). (tld)
10/10/2003	8	MOTION by Christy Hull CNP to dismiss the claims against her or, in the alternative, for summary judgment . (ras) Modified on 10/14/2003
10/14/2003	9	AGREED ORDER ALLOWING WITHDRAWAL AND SUBSTITUTION OF COUNSEL directing that L. Douglas Wade, Jr. and the law firm of Campbell, DeLong, Hagwood & Wade are hereby allowed to withdraw as counsel for Mark Allen, M.D.; further finding that William B. Carter and the law firm of Bourdeaux & Jones LLP are hereby substituted as counsel for

Mark Allen, M.D. (signed by Judge Joseph R. Goodwin) (cc: pltf's; Liaison Counsel; deft's Liaison Counsel; Clerk, MDL Panel) (mkw)

- 10/17/2003 10 ANSWER and DEFENSES to Complaint and MOTION TO DISMISS by S. M. Allen M.D., Jacob Ulmer M.D., H. M. Fairchild M.D. (Attorneys William B. Carter, William C. Hammack) (original filed in the USDC/SDMI on 6/5/03) (skh)
- 10/17/2003 11 MOTIONS by S. M. Allen M.D. to Dismiss to failure to state a claim upon which relief can be granted , to Sever the claims against him from other causes of action asserted , to file cross claim against Bristol-Myers Squibb Company . (integrated with following entry) (photocopy) (skh)
- 10/17/2003 11 SEPARATE ANSWER to Complaint by S. M. Allen M.D. (Attorneys L. Carl Hagwood, L. Douglas Wade Jr.) (integrated with previous entry) (photocopy) (skh)
- 10/21/2003 12 RESPONSE by Daniel Lester in opposition to Christy Hull's [8-1] motion to dismiss or, in the alternative, [8-2] motion for summary judgment. (skh)
- 10/21/2003 13 MEMORANDUM BRIEF by Daniel Lester in support of his [12-1] response in opposition to Christy Hull's [8-1] motion to dismiss or, in the alternative, [8-2] motion for summary judgment. (skh)
- 10/29/2003 14 MOTION by William Clark M.D. to stay proceedings until 12/6/03, or such time as the Commonwealth Court of PA lifts the present stay . (ras)
- 10/31/2003 15 REPLY by Christy Hull CNP to plaintiff's response to her [8-1] motion to dismiss the claims against her or, in the alternative, her [8-2] motion for summary judgment. (ras)
- 11/3/2003 16 PHOTOCOPY OF LETTER from CT Corporation to Ms. Crystal Scott, Paralegal, Simmons Law Group, dated 10/30/03, advising that after review of CT Corporation's records and the records of the Mississippi Secretary of State, it has been determined that CT Corporation System is not the registered agent for a company by the name of Kroger Limited Partnership and that on 2/18/03, Kroger Limited Partnership I changed its agent to Corporation Service Company, 506 S. President Street, Jackson, MS 39201; returning the envelope directed to Kroger Limited Partnership to Ms. Scott. (skh)
- 11/17/2003 17 MOTION by Jacob Ulmer M.D., H. M. Fairchild M.D., S. M. Allen M.D. to dismiss claims of Lori J. Brown, Alma Gheen and Walter Burns against them , or, in the alternative for summary judgment . (ras)
- 12/2/2003 18 RESPONSE by Billie D. Bates, Lori J. Brown, Alma Gheen in opposition to defts Jacob Ulmer, H. M. Fairchild and S. M. Allen's [17-1] motion to dismiss claims of Lori J. Brown, Alma Gheen and Walter Burns against them, or, in the alternative, [17-2] motion for summary judgment. (ras)
- 12/10/2003 19 RESPONSE by Christy Hull CNP to plaintiff's [5-1] motion to

remand case to the Circuit Court of Smith County, Mississippi. (ras)

12/10/2003 20 MEMORANDUM OF AUTHORITIES by Christy Hull CNP in support of her [19-1] response to pltf's [5-1] motion to remand case to the Circuit Court of Smith County, Mississippi. (ras)

12/22/2003 21 REBUTTAL by Billie D. Bates, Karen Brickhouse, Lori J. Brown, Mae A. Burks, Walter G. Burns, Clyde Cockrell, Connie Crews, Mattie Croft, Lynette Darden, Sandra J. Ferguson, Alma Gheen, Linda S. Hamilton, Pamela J. Harris, Lilli J. Harvey, Tina Hatten, Cynthia A. Hunt, Betty D. Ingram, Eva L. Johnson, Verma Johnson, Daniel Lester, Johnny N. Maness, Lucy Martin, Lloyd McGee, Randolph Page, Lucy T. Pickering, Alice B. Price, Ronald L. Raines, Sarah H. Rayner, Mary L. Revette, Kenneth Robertson, Betty S. Saul, Linda A. Smith, Phillip Smith, Anna D. Spradley, Tina Tadlock, Sandra C. Tidwell, Judith Tolbert, Elizabeth Vitterio, Mavis Shaw in support of [5-1] motion to remand. (skh)

1/13/2004 22 AGREED ORDER Pursuant to the joint motion ore tenus of the pltf and deft Dr. Hilton M. Fairchild, dismissing this action with prejudice as to the said defendant . (signed by Judge Joseph R. Goodwin) (cc: attys) (ras)

1/26/2004 23 NOTICE of Attorney Appearance for Cranford Drug Store by Hubert A. Crouch III, Kim M. Meaders. (ras)

1/30/2004 24 MOTION by William Clark M.D. to stay proceedings . (ras)

2/17/2004 25 MOTION by Randy L. Nance M.D. for Mark A. Nelson and the firm of BRYAN NELSON RANDOLPH to withdraw as attorney . (ras)

2/26/2004 26 AGREED JUDGMENT OF DISMISSAL WITHOUT PREJUDICE Upon motion, ore tenus, pltf's complaint, including any and all claims asserted therein, is dismissed against deft Bimal D. Aujla, M.D., with each party to bear their own costs . (signed by Judge Joseph R. Goodwin) (cc: attys, Pltf's Liaison Counsel, Deft's Liaison Counsel, Clerk of the MDL Panel) (ras)

6/1/2004 27 AGREED ORDER FOR SUBSTITUTION OF COUNSEL Directing that the firm of CAMPBELL DELONG be allowed to withdraw as counsel for defendant S. M. Allen, M.D. and that the firm of WILKINS STEPHENS & TIPTON be substituted in its stead. Signed by Judge Joseph R. Goodwin on 6/1/2004. (cc: attys; any unrepresented party) (ras)

6/28/2005 28 AGREED ORDER ALLOWING WITHDRAWAL AND SUBSTITUTION OF COUNSEL directing that L. Carl Hagwood and the law firm of Wilkins, Stephens & Tipton, P.A., are hereby allowed to withdraw as counsel for Mark Allen, M.D.; further finding that William B. Carter and the law firm of Bourdeaux & Jones, LLP are hereby substituted as counsel for Mark Allen, M.D. Signed by Judge Joseph R. Goodwin on 6/27/2005. (cc: Pltf's; Liaison Counsel; Deft's Liaison Counsel; MDL Clerk; attys) (acj)

8/22/2005 29 AGREED ORDER OF DISMISSAL WITHOUT PREJUDICE, directing that the Pltf's; Complaint, as well as any and all amendments thereto,

including any and all claims asserted therein, or which may or might have been asserted therein, against Deft John Harper, M.D., be dismissed without prejudice, with each party to bear their own costs. Signed by Judge Joseph R. Goodwin on 8/22/2005. (cc: MDL Clerk; Pltfs' Liaison Counsel, Deft's Liaison Counsel; attys) (acj)

- 8/22/2005 30 AGREED ORDER OF DISMISSAL WITHOUT PREJUDICE, directing that the Pltfs' Complaint, as well as any and all amendments thereto, including any and all claims asserted therein, or which may or might have been asserted therein, against Deft James Sabin, M.D., be dismissed without prejudice, with each party to bear their own costs. Signed by Judge Joseph R. Goodwin on 8/22/2005. (cc: MDL Clerk; Pltfs' Liaison Counsel, Deft's Liaison Counsel; attys) (acj)
- 9/9/2005 31 FINAL JUDGMENT ORDER: In accordance with the Memorandum Opinion and Order Approving Settlement and Certifying the Settlement Class (Document No. [296] entered in MDL 2:02-md-1477 on 9/2/2005), the court directs that all claims pending in MDL No. 1477 be DISMISSED with prejudice as to the Class Representatives and members of the Class, save those members of the Class who properly requested exclusion in compliance with this court's orders, without any assessment of costs, with such dismissal subject only to compliance by the parties with the terms and conditions of the Third Amended Settlement Agreement (see Attachments 1 and 2 to Document No. [184] in MDL 2:02-md-1477) as amended by the court's 9/2/2005 Memorandum Opinion and Order, and this Final Order and Judgment. The court FINDS that there is no just reason for delay and therefore directs entry of this Final Judgment as to the Class Representatives and members of the Class, as a final judgment pursuant to Rule 54, F.R.C.P. The court retains exclusive jurisdiction over this action and every aspect of the interpretation, implementation and enforcement of the Settlement. Signed by Judge Joseph R. Goodwin on 9/9/2005. (cc: Clerk, MDL Panel; Pltfs' Liaison Counsel; Deft's Liaison Counsel; published at www.wvsc.uscourts.gov) (jkk)
- 8/17/2006 32 ORDER This case having been inadvertently closed on 9/9/05, the same is hereby reopened effective 9/9/05. Signed by Judge Joseph R. Goodwin on 8/17/2006; entered nunc pro tunc 9/5/2005.(cc: Defendant's Liaison Counsel; Plaintiffs' Class Counsel; counsel of record; any unrepresented party) (ras)