

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF LOUISIANA**

In re: VIOXX PRODUCTS LIABILITY  
LITIGATION

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MDL 1657  
SECTION L  
HONORABLE ELDON FALLON  
MAGISTRATE KNOWLES

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The Petition of Healthcare Recoveries, Inc., on  
Insurers for Pre-Action Deposition(s) Pursuant to  
Federal Rule of Civil Procedure 27(a)  
\_\_\_\_\_

**PLAINTIFFS’ STEERING COMMITTEE’S MOTION TO  
DISMISS THE VERIFIED PETITION OF HEALTHCARE RECOVERIES, INC.**

NOW INTO COURT, through undersigned counsel, comes the Plaintiffs’ Steering Committee (“PSC”), who upon suggesting to the Court that the Verified Petition of Healthcare Recovers, Inc. (“HRI”) should be dismissed pursuant to Fed.R.Civ.P. 12(b)(1), (b)(6) and as more fully discussed in the attached supporting memoranda, which is incorporated herein by reference. This Court lacks jurisdiction to entertain HRI’s Petition. For these reasons, HRI’s Petition should be dismissed.

Respectfully submitted,

**PLAINTIFFS’ STEERING COMMITTEE**

Date: March 10, 2008

By: /s/ Leonard A. Davis

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### **CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing has been served on Liaison Counsel, Phillip Wittmann, by U.S. Mail and e-mail or by hand delivery and e-mail and upon all parties by electronically uploading the same to LexisNexis File & Serve Advanced in accordance with PreTrial Order No. 8(B), and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF system which will send a Notice of Electronic Filing in accord with the procedures established in MDL 1657, on this 10<sup>th</sup> day of March, 2008.

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