

**MINUTE ENTRY
FALLON, J.
SEPTEMBER 30, 2005**

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

In re: VIOXX	*	
	*	MDL DOCKET NO. 1657
PRODUCTS LIABILITY LITIGATION	*	
	*	SECTION L
This document relates to:	*	
	*	JUDGE FALLON
EVELYN IRVIN PLUNKETT,	*	
as Personal Representative of the	*	MAGISTRATE JUDGE KNOWLES
Estate of	*	
RICHARD IRVIN, JR,	*	
	*	
Plaintiff,	*	
vs.	*	
	*	
MERCK & CO., INC.,	*	
	*	
Defendant.	*	
	*	
CIVIL ACTION NO. 05-4046		

A status conference was held on this date in the Chambers of Judge Eldon E. Fallon. Andy Birchfield and Jere Beasley participated on behalf of the Plaintiff. Phil Wittmann, Doug Marvin, Philip S. Beck, and Adam L. Hoeflich participated on behalf of the Defendant. At the conference, the parties discussed the following issues: the law applicable to this case, the use of jury questionnaires, voir dire, the number of jurors, the length of the trial, and the use of exhibits.

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After discussing these issues, the parties agreed that Florida substantive law would be the law applicable to this case. In addition, the parties will submit a draft of a jury questionnaire. Lastly, there will be an eight member jury.

The trial is scheduled to last two weeks. It will begin on November 28, 2005, at 8:30 a.m. in the Courtroom of Judge Lee H. Rosenthal and end on or before December 9, 2005. Exhibits (other than rebuttal exhibits) will be exchanged and a copy will be delivered to the Court on the dates set forth in the Pretrial Order. Objections to Exhibits will be exchanged and delivered to the Court on November 11, 2005, and Responses to the Objections will be exchanged and delivered to the Court two days later on November 13, 2005.