

**MINUTE ENTRY
FALLON, J.
SEPTEMBER 20, 2005**

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

**IN RE: VIOXX
PRODUCTS LIABILITY LITIGATION**

*** MDL NO. 1657
*
* SECTION: L(3)
*
* JUDGE FALLON
* MAG. JUDGE KNOWLES**

THIS DOCUMENT RELATES TO ALL CASES

A hearing was held on this date on Defendant Physicians’ Motion to Quash/Motion for Protective Order Regarding Merck & Co., Inc.’s Cross-Notices of Plaintiff’s Depositions of Eliav Barr, M.D., Susan Baumgartner, Gilbert Block, M.D., James Dunn, Gregory Geba, M.D., and Marty Carroll in the Chambers of Judge Eldon E. Fallon. Jay Henderson and Scott Allen participated by telephone on behalf of Eliav Barr, M.D., Susan Baumgartner, Gilbert Block, M.D., James Dunn, Gregory Geba, M.D., and Marty Carroll (“the Defendant Physicians”). Lenny Davis and Troy Rafferty participated by telephone on behalf of the Plaintiffs’ Steering Committee. Phil Wittmann, Doug Marvin, and John Beisner participated by telephone on behalf of the Defendants’ Steering Committee.

At the hearing, the movants expressed their concern over the amount of notice and participation afforded the Defendant Physicians in the scheduling and conducting of depositions. The parties indicated that they had been working on an agreement between themselves which

would render the matter moot and asked the Court to delay ruling on the motion. Accordingly, the Court advised the parties that it would take the motion under advisement until September 23, 2005, at 10:00 a.m. (This date has been changed until September 26, 2005, due to the proximity of Hurricane Rita.) If the parties have not reached an agreement by that time, the Court will enter a ruling on the motion.