

**MINUTE ENTRY  
FALLON, J.  
OCTOBER 17, 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**

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**THIS DOCUMENT RELATES TO ALL CASES**

A telephone status conference was held on this date in the Houston Chambers of Judge Eldon E. Fallon. Andy Birchfield, David Buchanan, Lenny Davis, and Chris Tisi participated on behalf of the Plaintiffs' Steering Committee ("PSC"). Phil Wittmann, John Beisner, and Charles Lifland participated on behalf of the Defendant's Steering Committee ("DSC"). At the conference, the parties informed the Court that they could not reach an agreement between themselves as to whether the DSC could depose Dr. Richard A. Kronmal. Dr. Kronmal had been deposed and testified in the New Jersey state proceeding, but had not been deposed as of yet in the *Irvin/Plunkett* case. After considering each parties' arguments, the Court determined that the DSC's deposition of Dr. Kronmal in the *Irvin/Plunkett* case would be in accordance with the goals of Rule 26(b)(4) of the Federal Rules of Civil Procedure. Accordingly, the DSC shall be permitted to depose Dr. Kronmal, but the scope of this deposition shall be limited to matters not previously covered or to matters that have arisen since his previous deposition.

JS:10 (00:15)