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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: VIOXX	:	MDL NO. 1657
PRODUCTS LIABILITY LITIGATION	:	SECTION: L
	:	JUDGE FALLON
	:	MAG. JUDGE KNOWLES

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**THIS DOCUMENT RELATES TO:      CASES LISTED ON EXHIBIT A**

**PRETRIAL ORDER NO. 42**

It appearing that the parties have agreed on a resolution of the MI and Stroke Claims, there remain a number of personal injury cases that were pending on the date of the announcement of the Settlement Program. A listing of these cases and the attorneys handling them is attached as Exhibits A and B. There claims were either ineligible for the Program or, if eligible, were not enrolled in the Program. Lone Pine expert reports have been served in these cases. On April 28, 2009, the Court issued an Order appointing Ann Oldfather to serve as Liaison Counsel for Plaintiffs in these cases and Doug Marvin to serve as Liaison Counsel for Defendant with respect to these remaining claims. The Court finds that it is now appropriate to turn to the resolution of these cases. Accordingly, IT IS ORDERED that:

It is the Court's intent to appoint a Plaintiffs' Steering Committee ("PSC") to conduct and coordinate the discovery stage of this litigation with the defendant's representatives or committee. Applications/nominations for the PSC positions must be filed as an original and one copy with the Eastern District of Louisiana's Clerk's Office on or before Wednesday, the 8<sup>th</sup> of July, 2009. Notice must also be served upon counsel named in the attached list on the day of filing. The main criteria for membership in the PSC will be: (a) willingness and availability to

___	Fee	_____
___	Process	_____
X	Dkt	_____
___	CFR/Dep	_____
___	Doc. No	_____

commit to a time-consuming project; (b) ability to work cooperatively with others; (c) professional experience in this type of litigation; and (d) willingness to commit the necessary resources to pursue this matter. Applications/nominations should succinctly address each of the above criteria as well as any other relevant matters. No submissions longer than three (3) pages will be considered. The Court will only consider attorneys who have filed a civil action in this litigation.

Objections may be made to the appointment of a proposed applicant/nominee. Nevertheless, the Court will entertain only written objections to any application/nomination. These must be filed with the Clerk in an original and one copy on or before Friday, the 10<sup>th</sup> of July, 2009. The objections, if there be any, must be short, yet thorough, and must be supported by necessary documentation. As with the application/nomination, any objection must be served on all counsel appearing on Exhibit B on the day of filing.

The PSC will have the responsibilities set forth in the Court's Pretrial Orders No. 1 and No. 6 in handling the cases listed on Exhibit A.

New Orleans, Louisiana, this 25<sup>th</sup> day of June, 2009.



UNITED STATES DISTRICT JUDGE

CC: ATTORNEYS LISTED ON EXHIBIT B

**EXHIBIT A**

Plaintiff's Name	Law Firm	Case Name	Case Number
Bunch, J.C.	Bartimus, Frickleton, Robertson & Gorny	Bunch, J.C. v. Merck & Co., Inc.	2:06-cv-08827-EEF-DEK
Haynes, James R	Bartimus, Frickleton, Robertson & Gorny	Jenkins, Ruth v. Merck & Co., Inc.	2:05-cv-04054-EEF-DEK
Jensen, Jennifer K	Bartimus, Frickleton, Robertson & Gorny	Jensen, Jennifer v. Merck & Co., Inc.	2:05-cv-05150-EEF-DEK
Agard, David L	Benjamin, Ronald R., Law Office of	Agard, David v. Merck & Co., Inc.	2:05-cv-01089-EEF-DEK
Berthel, Scott R	Benjamin, Ronald R., Law Office of	Gates, Robert D. v. Merck & Co., Inc.	2:05-cv-06221-EEF-DEK
Bozich, Mary A	Benjamin, Ronald R., Law Office of	Ajibory, Adnan v. Merck & Co., Inc.	2:05-cv-01090-EEF-DEK
Cavallo, Matthew	Benjamin, Ronald R., Law Office of	Cavallo, Matthew v. Merck & Co., Inc.	2:05-cv-01513-EEF-DEK
Core, Richard F	Benjamin, Ronald R., Law Office of	Core, Richard F. v. Merck & Co., Inc.	2:05-cv-02583-EEF-DEK
Curtis, Marjorie H	Benjamin, Ronald R., Law Office of	Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK
Demoski, James J	Benjamin, Ronald R., Law Office of	Agard, David v. Merck & Co., Inc.	2:05-cv-01089-EEF-DEK
Henderson, Edward	Benjamin, Ronald R., Law Office of	Agard, David v. Merck & Co., Inc.	2:05-cv-01089-EEF-DEK
Hia, Kristine S	Benjamin, Ronald R., Law Office of	Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK
Hoyt, Maurice R	Benjamin, Ronald R., Law Office of	Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK
Kurtz, Mary	Benjamin, Ronald R., Law Office of	Kurtz, Mary v. Merck & Co., Inc.	2:06-cv-05779-EEF-DEK
Lord, Wilson E	Benjamin, Ronald R., Law Office of	DeVincentis, Carlo v. Merck & Co., Inc.	2:05-cv-02297-EEF-DEK
Mack, Timothy F	Benjamin, Ronald R., Law Office of	Dier, Glenn L. v. Merck & Co., Inc.	2:05-cv-01088-EEF-DEK
Mannino, Ann M	Benjamin, Ronald R., Law Office of	Holobosky, Rosemary v. Merck & Co., Inc.	2:05-cv-01091-EEF-DEK
Oakley, James S	Benjamin, Ronald R., Law Office of	Oakley, James S. v. Merck & Co., Inc.	2:05-cv-05912-EEF-DEK
Pratt, Arthur L	Benjamin, Ronald R., Law Office of	DeVincentis, Carlo v. Merck & Co., Inc.	2:05-cv-02297-EEF-DEK
Santacrose, Viola	Benjamin, Ronald R., Law Office of	Ajibory, Adnan v. Merck & Co., Inc.	2:05-cv-01090-EEF-DEK
Spencer, Frank	Benjamin, Ronald R., Law Office of	Dufresne, Lori v. Merck & Co., Inc.	2:08-cv-03220-EEF-DEK
Nichols, Sarah G	Bubalo, Hiestand & Rotman, PLC	Nichols, Sarah E. v. Merck & Co., Inc.	2:06-cv-01951-EEF-DEK
Adams, Mary Ellen	Cellino & Barnes, P.C.	Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
Albright, Ann M	Cellino & Barnes, P.C.	Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204-EEF-DEK
Allen, Marie	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK

Amis, Louise H	Cellino & Barnes, P.C.	D'Angelo, Mary v. Merck & Co., Inc.	2:06-cv-09755-EEF-DEK
Ballantyne, Arthur W	Cellino & Barnes, P.C.	Ballantyne, Arthur W. v. Merck & Co., Inc.	2:06-cv-02195-EEF-DEK
Barrett, Jacqueline	Cellino & Barnes, P.C.	Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
Barrett, Janet F	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
Blankenship, Donald	Cellino & Barnes, P.C.	Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
Blodgett, Don	Cellino & Barnes, P.C.	Blodgett, Don v. Merck & Co., Inc.	2:06-cv-02210-EEF-DEK
Brown, Dianne	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
Brown, James N	Cellino & Barnes, P.C.	Amie, Vernon v. Merck & Co., Inc.	2:06-cv-02219-EEF-DEK
Burkey, Robert A	Cellino & Barnes, P.C.	Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
Butterfield, Myrtle	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
Byrd, Deborah A	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
Carmen, Joan	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
Carrigan, Georgia	Cellino & Barnes, P.C.	Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204-EEF-DEK
Carroll, John	Cellino & Barnes, P.C.	Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
Carter, James A	Cellino & Barnes, P.C.	Amie, Vernon v. Merck & Co., Inc.	2:06-cv-02219-EEF-DEK
Desormeau, Margaret	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
DeSouza, William	Cellino & Barnes, P.C.	Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
Donahue, James J	Cellino & Barnes, P.C.	Donahue, James J. v. Merck & Co., Inc.	2:06-cv-01206-EEF-DEK
Eddy, Judith	Cellino & Barnes, P.C.	Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204-EEF-DEK
Edwards, June D	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
Estep, John	Cellino & Barnes, P.C.	Ballantyne, Arthur W. v. Merck & Co., Inc.	2:06-cv-02195-EEF-DEK
Farnsworth, Wilson	Cellino & Barnes, P.C.	Amie, Vernon v. Merck & Co., Inc.	2:06-cv-02219-EEF-DEK
Greeley, Judith	Cellino & Barnes, P.C.	Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204-EEF-DEK
Habecker, Linda	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
Johnson, Esther M	Cellino & Barnes, P.C.	Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
Kelly, Patricia A	Cellino & Barnes, P.C.	Bryant, Isabelle C. v. Merck & Co., Inc.	2:06-cv-01203-EEF-DEK
Kingsley, Ella F	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
Kollin, Jean M	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
Kulesza, Jeff A	Cellino & Barnes, P.C.	Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
Maiorano, Patricia M	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
Marble, Judy A	Cellino & Barnes, P.C.	Czekalski, Cindy v. Merck & Co., Inc.	2:06-cv-01207-EEF-DEK

Matos Cruz, Migdalia	Cellino & Barnes, P.C.		Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
Mayeu, Michael	Cellino & Barnes, P.C.		Ballantyne, Arthur W. v. Merck & Co., Inc.	2:06-cv-02195-EEF-DEK
McDaniels, Asa J	Cellino & Barnes, P.C.		Blodgett, Don v. Merck & Co., Inc.	2:06-cv-02210-EEF-DEK
McMurray, Scott	Cellino & Barnes, P.C.		Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
McPhaden, Arleen	Cellino & Barnes, P.C.		Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
Melton, Roberta	Cellino & Barnes, P.C.		Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
Mertz, Charles R	Cellino & Barnes, P.C.		Monte, John v. Merck & Co., Inc.	2:06-cv-01167-EEF-DEK
Mietlowski, Alan D	Cellino & Barnes, P.C.		Coles, Patti v. Merck & Co., Inc.	2:07-cv-02936-EEF-DEK
Miller, Charlene	Cellino & Barnes, P.C.		Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
Miskho, Brian W	Cellino & Barnes, P.C.		Miskho, Brian v. Merck & Co., Inc.	2:06-cv-01159-EEF-DEK
Negron, Myriam	Cellino & Barnes, P.C.		Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
Petty, Lee C	Cellino & Barnes, P.C.		Ballantyne, Arthur W. v. Merck & Co., Inc.	2:06-cv-02195-EEF-DEK
Pierre, Edele	Cellino & Barnes, P.C.		Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
Plambeck, Richard G	Cellino & Barnes, P.C.		Ballantyne, Arthur W. v. Merck & Co., Inc.	2:06-cv-02195-EEF-DEK
Rarick, Kenneth L	Cellino & Barnes, P.C.		Amie, Vernon v. Merck & Co., Inc.	2:06-cv-02219-EEF-DEK
Reilly, James A	Cellino & Barnes, P.C.		Ballantyne, Arthur W. v. Merck & Co., Inc.	2:06-cv-02195-EEF-DEK
Robinson, Deborah	Cellino & Barnes, P.C.		Czekalski, Cindy v. Merck & Co., Inc.	2:06-cv-01207-EEF-DEK
Sackett, Marlo R	Cellino & Barnes, P.C.		Anderson, Delanese v. Merck & Co., Inc.	2:06-cv-01170-EEF-DEK
Scherf, Frank	Cellino & Barnes, P.C.		Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
Schultz, Barbara	Cellino & Barnes, P.C.		Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204-EEF-DEK
Shahid, Marge A	Cellino & Barnes, P.C.		Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
Steerman, Gladys	Cellino & Barnes, P.C.		Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204-EEF-DEK
Tyodus, Kathryn	Cellino & Barnes, P.C.		Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
Vecchio, Teresa M	Cellino & Barnes, P.C.		Daluiso, Anna v. Merck & Co., Inc.	2:06-cv-01197-EEF-DEK
Walker, Renee	Cellino & Barnes, P.C.		Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
Webb, Carol R	Cellino & Barnes, P.C.		Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
Webb, Kathleen	Cellino & Barnes, P.C.		Carr, Marie v. Merck & Co., Inc.	2:06-cv-03612-EEF-DEK
Weese, Roxana	Cellino & Barnes, P.C.		Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
Weiser, Harlan L	Cellino & Barnes, P.C.		Amie, Vernon v. Merck & Co., Inc.	2:06-cv-02219-EEF-DEK
Werner-Vecellio, Paula R	Cellino & Barnes, P.C.		Werner Vecellio, Paula v. Merck & Co., Inc.	2:06-cv-03900-EEF-DEK

Woodlock, Christine D	Cellino & Barnes, P.C.	Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
Albertson, Beverly A	Cory, Watson, Crowder & DeGaris	Albertson, Beverly v. Merck & Co., Inc.	2:06-cv-06236-EEF-DEK
Fulton, Rebeka K	Cory, Watson, Crowder & DeGaris	Fulton, Arthur v. Merck & Co., Inc.	2:05-cv-00436-EEF-DEK
Knifley, Thelma M	Cory, Watson, Crowder & DeGaris	Knifley, Welby R. v. Merck & Co., Inc.	2:05-cv-05635-EEF-DEK
Gasio, Dane B	Federman & Sherwood	Gasio, Dane v. Merck & Co., Inc.	2:07-cv-01054-EEF-DEK
Graham, Larry N	Federman & Sherwood	Graham, Larry v. Merck & Co., Inc.	2:07-cv-01055-EEF-DEK
Laviner, Rebecca	Federman & Sherwood	Laviner, Rebecca v. Merck & Co., Inc.	2:06-cv-06932-EEF-DEK
Gonzalez, Pedro	Handler, Henning & Rosenberg, LLP/ Oldfather Law Firm	Gonzales, Pedro Jr. v. Merck & Co., Inc.	2:06-cv-09815-EEF-DEK
Heisey-DeWolf, Deborah A	Handler, Henning & Rosenberg, LLP/ Oldfather Law Firm	Heisey DeWolf, Deborah v. Merck & Co., Inc.	2:06-cv-09810-EEF-DEK
Hench, Edwin C	Handler, Henning & Rosenberg, LLP/ Oldfather Law Firm	Hench, Edwin C. v. Merck & Co., Inc.	2:06-cv-09811-EEF-DEK
King, LaDonna G	Handler, Henning & Rosenberg, LLP/ Oldfather Law Firm	King, LaDonna v. Merck & Co., Inc.	2:06-cv-10270-EEF-DEK
Klunk, Nancy A	Handler, Henning & Rosenberg, LLP/ Oldfather Law Firm	Wolfe, Barbara E. v. Merck & Co., Inc.	2:06-cv-09808-EEF-DEK
Ostiecki, Marilyn J	Handler, Henning & Rosenberg, LLP/ Oldfather Law Firm	Ostiecki, Marilyn J. v. Merck & Co., Inc.	2:06-cv-09814-EEF-DEK
Painter, Gladys R	Handler, Henning & Rosenberg, LLP/ Oldfather Law Firm	Gibson, Kathy v. Merck & Co., Inc.	2:06-cv-09812-EEF-DEK
Slembarski, John C	Handler, Henning & Rosenberg, LLP/ Oldfather Law Firm	Slembarski, John C. v. Merck & Co., Inc.	2:06-cv-09809-EEF-DEK
Carr, Clarence L	Johnson & Benjamin LLP	Carr, Clarence L. v. Merck & Co., Inc.	2:05-cv-02905-EEF-DEK
Cochran, John O	Lopez, McHugh LLP	Cochran, John O. v. Merck & Co., Inc.	2:05-cv-01795-EEF-DEK
Bland, Violet M	Mattingly, Nally-Martin & Fowler, PLLC	Popp, Jennifer M. v. Merck & Co., Inc.	2:06-cv-01926-EEF-DEK
Waggoner, Gerald L	Schuler Halvorson & Weisser	Waggoner, Gerald v. Merck & Co., Inc.	2:05-cv-03125-EEF-DEK
DeRose, Gary A	Stratton Faxon	Whittaker, Denise v. Merck & Co., Inc.	2:05-cv-01257-EEF-DEK
Donaldson, William J	Stratton Faxon	Whittaker, Denise v. Merck & Co., Inc.	2:05-cv-01257-EEF-DEK
Hess, Denise R	Stratton Faxon	Hess, Denise R. v. Merck & Co., Inc.	2:05-cv-05893-EEF-DEK
Lynch, Judith A	Stratton Faxon	Lynch, Judith v. Merck & Co., Inc.	2:05-cv-05072-EEF-DEK
Perry, Samuel C	Stratton Faxon	Chambers, Marianne v. Merck & Co., Inc.	2:05-cv-01997-EEF-DEK
Rodriguez, Marjorie	Stratton Faxon	Whittaker, Denise v. Merck & Co., Inc.	2:05-cv-01257-EEF-DEK

Seigler, Caroline N	Strom Law Firm, LLC	Seigler, Caroline N. v. Merck & Co., Inc.	2:06-cv-01532-EEF-DEK
Hudnut, Lynn D		Jenkins, Ruth v. Merck & Co., Inc.	2:05-cv-04054-EEF-DEK

**Exhibit B**

<b>Attorney(s)</b>	<b>Firm</b>	<b>Address</b>	<b>Phone Number</b>
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James J. McHugh	Lopez, McHugh, LLP	1123 Admiral Peary Way Quarters K Philadelphia, PA 19112	(215) 952-6910
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Joseph H. Mattingly	Mattingly, Nally-Martin & Fowler, PLLC	P.O. Box 678 104 West Main Street Lebanon, KY 40033	(270) 692-1718
Ann B. Oldfather	Oldfather Law Firm	1330 South Third Street Louisville, KY 40208	(502) 637-7200
Richard Schuler	Schuler Halvorson & Weisser	Barristers Building 1615 Forum Place, 4th Floor West Palm Beach, FL 33401	(561) 689-8180
Michael Stratton	Stratton Faxon	59 Elm Street New Haven, CT 06510	(203) 624-9500
Don S. Strong	Strong/Martin	2700 First National Center 120 N. Robinson Avenue Oklahoma City, OK 73102	(405) 604 7500
Thomas P. Cartmell	Wagstaff & Cartmell, LLP	4740 Grand Avenue Suite 300 Kansas City, MO 64112	(816) 701-1133