

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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

**THIS DOCUMENT RELATES TO ALL CASES**

**PRETRIAL ORDER #7**

The Court appoints the following members to the Defendants' Steering Committee

(DSC):

Douglas R. Marvin (Lead Counsel)  
Williams & Connolly, LLP  
725 Twelfth St., NW  
Washington, DC 20005

Theodore V.H. Mayer  
Hughes Hubbard & Reed LLP  
One Battery Park Plaza  
New York, NY 10004

John H. Beisner  
O'Melveny & Meyers LLP  
1625 Eye St.  
Washington, DC 20006

Richard C. Stanley  
Stanley, Flanagan & Reuter, LLC  
LL&E Tower  
909 Poydras St., Suite 2500  
New Orleans, LA 70112

Anthony M. DiLeo  
Stone Pigman Walther Wittmann LLC  
546 Carondelet St.  
New Orleans, LA 70130

Additionally, the Court appoints Defendants' Liaison Counsel, Phil Wittmann, Lead Counsel, Douglas Marvin, and Theodore Mayer to comprise the DSC Executive Committee. It shall be the Executive Committee's duty to coordinate the responsibilities of the DSC, appear at periodic court noticed status conferences, perform other necessary administrative or logistic functions of the DSC and carry out any other duty as the Court may order.

The DSC will have the following responsibilities:

Discovery

- (1) Initiate, coordinate, and conduct all pretrial discovery on behalf of defendants in all actions which are consolidated with the instant multi district litigation.
- (2) Develop and propose to the Court schedules for the commencement, execution, and completion of all discovery on behalf of the defendants.
- (3) Cause to be issued in the name of the defendants the necessary discovery requests, motions, and subpoenas pertaining to any witnesses and documents needed to properly prepare for the pretrial of relevant issues found in the pleadings of this litigation.
- (4) Conduct all discovery in a coordinated and consolidated manner on behalf and for the benefit of the defendants.

Hearings and Meetings

- (1) Call meetings of counsel for defendants for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules, or joint briefs, and any other appropriate matter(s) pertaining to pretrial proceedings.
- (2) Examine witnesses and introduce evidence at hearings on behalf of defendants.
- (3) Act as spokesperson for the defendants pretrial proceedings and in response to any inquiries by the Court, subject of course to the right of any defendant's counsel to present non-repetitive individual or different positions.

Miscellaneous

- (1) Submit and argue any verbal or written motions presented to the Court or

Magistrate on behalf of the DSC as well as oppose when necessary any motions submitted by the plaintiffs or other parties which involve matters within the sphere of the responsibilities of the DSC.

- (2) Negotiate and enter into stipulations with plaintiffs regarding this litigation. All stipulations entered into by the DSC, except for strictly administrative details such as scheduling, must be submitted for Court approval and will not be binding until the Court has ratified the stipulation.
- (3) Explore, develop, and pursue all settlement options pertaining to any claim or portion thereof of any case filed in this litigation.
- (4) Maintain adequate files of all pretrial matters, including establishing and maintaining a document or exhibit depository, in either real or virtual format, and having those documents available, under reasonable terms and conditions, for examination by all MDL defendants or their attorneys.
- (5) Perform any task necessary and proper for the DSC to accomplish its responsibilities as defined by the Court's orders.
- (6) Perform such other functions as may be expressly authorized by further orders of this Court.

**New Orleans, Louisiana, this 8<sup>th</sup> day of April, 2005.**

**/s/ Eldon E. Fallon**  
**ELDON E. FALLON**  
**UNITED STATES DISTRICT JUDGE**