

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

2009 AUG 21 AM 10:26

In re: Vioxx

PRODUCTS LIABILITY
LITIGATION

This document relates to the plaintiffs
listed on attached Exhibit A.

* MDL Docket No. 1657
* TA G. WHYTE
* CLERK
* SECTION L
* JUDGE FALLON
* MAGISTRATE JUDGE
* KNOWLES

PRETRIAL ORDER NO. 46
(Case Management Order for Exhibit A Cases)

This Court has pending before it 116 cases in which plaintiffs have submitted the "Lone Pine" preliminary case-specific expert reports required by PTO Nos. 28 and 29 (cases listed on Exhibit A), and which were previously set for case management conferences. Case management conferences relating to these cases took place on April 28, 2009 and July 30, 2009.

To govern the development of case-specific discovery in these cases,

IT IS HEREBY ORDERED:

I. APPLICABILITY OF ORDER

This Order shall govern the cases identified on the attached Exhibit A.

II. PARTIAL LIFTING OF STAY

Pretrial Order No. 30 stayed all litigation proceedings pending in this MDL, except as provided for in PTO Nos. 28 and 29. It is hereby **ORDERED** that the stay of litigation proceedings in Pretrial Order No. 30 is hereby lifted for all purposes for the cases identified on Exhibit A.

___ Fee _____
___ Process _____
 Dktd _____
___ CtRmDep _____
___ Doc. No. _____

III. COSTS OF DISCOVERY

Pursuant to PTO No. 45, this Court appointed a Committee to coordinate the cases listed on Exhibit A. Until further order of this Court, the time and resources of that Committee should primarily be focused on investigating and marshaling issues regarding general causation. As for case specific discovery, the individual attorneys of record in the cases listed on Exhibit A shall be responsible for defending those cases and will bear all costs associated with case-specific discovery.

NEW ORLEANS, LOUISIANA, this 20th day of August, 2009.



ELDON E. FALLON
UNITED STATES DISTRICT JUDGE

Exhibit A
(Cases subject to August, 2009 Discovery Order)

	<u>Plaintiff</u>	<u>Counsel</u>	<u>Case Caption</u>	<u>Case Number</u>
1.	Bunch, J.C.	Bartimus, Frickleton, Robertson & Gorny	Bunch, J.C. v. Merck & Co., Inc.	2:06-cv-08827- EEF-DEK
2.	Haynes, James R	Bartimus, Frickleton, Robertson & Gorny	Jenkins, Ruth v. Merck & Co., Inc.	2:05-cv-04054- EEF-DEK
3.	Jensen, Jennifer K	Bartimus, Frickleton, Robertson & Gorny	Jensen, Jennifer v. Merck & Co., Inc.	2:05-cv-05150- EEF-DEK
4.	Agard, David L	Benjamin, Ronald R., Law Office of	Agard, David v. Merck & Co., Inc.	2:05-cv-01089- EEF-DEK
5.	Berthel, Scott R	Benjamin, Ronald R., Law Office of	Gates, Robert D. v. Merck & Co., Inc.	2:05-cv-06221- EEF-DEK
6.	Bozich, Mary A	Benjamin, Ronald R., Law Office of	Aljibory, Adnan v. Merck & Co., Inc.	2:05-cv-01090- EEF-DEK
7.	Cavallo, Matthew	Benjamin, Ronald R., Law Office of	Cavallo, Matthew v. Merck & Co., Inc.	2:05-cv-01513- EEF-DEK
8.	Core, Richard F	Benjamin, Ronald R., Law Office of	Core, Richard F. v. Merck & Co., Inc.	2:05-cv-02583- EEF-DEK
9.	Curl, William A	Benjamin, Ronald R., Law Office of	Curl, William A. v. Merck & Co., Inc.	2:05-cv-05295- EEF-DEK
10.	Curtis, Marjorie H	Benjamin, Ronald R., Law Office of	Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708- EEF-DEK
11.	Demoski, James J	Benjamin, Ronald R., Law Office of	Agard, David v. Merck & Co., Inc.	2:05-cv-01089- EEF-DEK
12.	Henderson, Edward	Benjamin, Ronald R., Law Office of	Agard, David v. Merck & Co., Inc.	2:05-cv-01089- EEF-DEK
13.	Hia, Kristine S	Benjamin, Ronald R., Law Office of	Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708- EEF-DEK
14.	Hoyt, Maurice R	Benjamin, Ronald R., Law Office of	Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708- EEF-DEK
15.	Kurtz, Mary	Benjamin, Ronald R., Law Office of	Kurtz, Mary v. Merck & Co., Inc.	2:06-cv-05779- EEF-DEK

	<u>Plaintiff</u>	<u>Counsel</u>	<u>Case Caption</u>	<u>Case Number</u>
16.	Lord, Wilson E	Benjamin, Ronald R., Law Office of	DeVincentiis, Carlo v. Merck & Co., Inc.	2:05-cv-02297- EEF-DEK
17.	Mack, Timothy F	Benjamin, Ronald R., Law Office of	Dier, Glenn L. v. Merck & Co., Inc.	2:05-cv-01088- EEF-DEK
18.	Mannino, Ann M	Benjamin, Ronald R., Law Office of	Holobosky, Rosemary v. Merck & Co., Inc.	2:05-cv-01091- EEF-DEK
19.	Oakley, James S	Benjamin, Ronald R., Law Office of	Oakley, James S. v. Merck & Co., Inc.	2:05-cv-05912- EEF-DEK
20.	Pratt, Arthur L	Benjamin, Ronald R., Law Office of	DeVincentiis, Carlo v. Merck & Co., Inc.	2:05-cv-02297- EEF-DEK
21.	Santacrose, Viola	Benjamin, Ronald R., Law Office of	Aljibory, Adnan v. Merck & Co., Inc.	2:05-cv-01090- EEF-DEK
22.	Spencer, Frank	Benjamin, Ronald R., Law Office of	Dufresne, Lori v. Merck & Co., Inc.	2:08-cv-03220- EEF-DEK
23.	Nichols, Sarah G	Bubalo, Hiestand & Rotman, PLC	Nichols, Sarah E. v. Merck & Co., Inc.	2:06-cv-01951- EEF-DEK
24.	Adams, Mary Ellen	Cellino & Barnes, P.C.	Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200- EEF-DEK
25.	Albright, Ann M	Cellino & Barnes, P.C.	Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204- EEF-DEK
26.	Allen, Marie	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220- EEF-DEK
27.	Amiss, Louise H	Cellino & Barnes, P.C.	D'Angelo, Mary v. Merck & Co., Inc.	2:06-cv-09755- EEF-DEK
28.	Arnold, Leonard H	Cellino & Barnes, P.C.	Acostas, Jose v. Merck & Co., Inc.	2:06-cv-02203- EEF-DEK
29.	Ballantyne, Arthur W	Cellino & Barnes, P.C.	Ballantyne, Arthur W. v. Merck & Co., Inc.	2:06-cv-02195- EEF-DEK
30.	Barrett, Jacqueline	Cellino & Barnes, P.C.	Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200- EEF-DEK
31.	Barrett, Janet F	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214- EEF-DEK

	<u>Plaintiff</u>	<u>Counsel</u>	<u>Case Caption</u>	<u>Case Number</u>
32.	Blankenship, Donald	Cellino & Barnes, P.C.	Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
33.	Blodgett, Don	Cellino & Barnes, P.C.	Blodgett, Don v. Merck & Co., Inc.	2:06-cv-02210-EEF-DEK
34.	Brown, Dianne	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
35.	Brown, James N	Cellino & Barnes, P.C.	Amie, Vernon v. Merck & Co., Inc.	2:06-cv-02219-EEF-DEK
36.	Burkey, Robert A	Cellino & Barnes, P.C.	Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
37.	Butterfield, Myrtle	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
38.	Byrd, Deborah A	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
39.	Carmen, Joan	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
40.	Carrigan, Georgia	Cellino & Barnes, P.C.	Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204-EEF-DEK
41.	Carroll, John	Cellino & Barnes, P.C.	Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
42.	Carter, James A	Cellino & Barnes, P.C.	Amie, Vernon v. Merck & Co., Inc.	2:06-cv-02219-EEF-DEK
43.	Desormeau, Margaret	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
44.	DeSouza, William	Cellino & Barnes, P.C.	Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
45.	Donahue, James J	Cellino & Barnes, P.C.	Donahue, James J. v. Merck & Co., Inc.	2:06-cv-01206-EEF-DEK
46.	Eddy, Judith	Cellino & Barnes, P.C.	Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204-EEF-DEK
47.	Edwards, June D	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK

	<u>Plaintiff</u>	<u>Counsel</u>	<u>Case Caption</u>	<u>Case Number</u>
48.	Estep, John	Cellino & Barnes, P.C.	Ballantyne, Arthur W. v. Merck & Co., Inc.	2:06-cv-02195-EEF-DEK
49.	Farnsworth, Wilson	Cellino & Barnes, P.C.	Amie, Vernon v. Merck & Co., Inc.	2:06-cv-02219-EEF-DEK
50.	Greeley, Judith	Cellino & Barnes, P.C.	Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204-EEF-DEK
51.	Habecker, Linda	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
52.	Harris, Darlene R	Cellino & Barnes, P.C.	Blackmon, Syrrita v. Merck & Co., Inc.	2:06-cv-01210-EEF-DEK
53.	Holt, Catherine	Cellino & Barnes, P.C.	Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204-EEF-DEK
54.	Johnson, Esther M	Cellino & Barnes, P.C.	Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
55.	Kelly, Patricia A	Cellino & Barnes, P.C.	Bryant, Isabelle C. v. Merck & Co., Inc.	2:06-cv-01203-EEF-DEK
56.	Kingsley, Ella F	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
57.	Kollin, Jean M	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
58.	Kulesza, Jeff A	Cellino & Barnes, P.C.	Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
59.	Maiorano, Patricia M	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
60.	Marble, Judy A	Cellino & Barnes, P.C.	Czekalski, Cindy v. Merck & Co., Inc.	2:06-cv-01207-EEF-DEK
61.	Matos Cruz, Migdalia	Cellino & Barnes, P.C.	Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
62.	Mayeu, Michael	Cellino & Barnes, P.C.	Ballantyne, Arthur W. v. Merck & Co., Inc.	2:06-cv-02195-EEF-DEK
63.	McDaniels, Asa J	Cellino & Barnes, P.C.	Blodgett, Don v. Merck & Co., Inc.	2:06-cv-02210-EEF-DEK

	<u>Plaintiff</u>	<u>Counsel</u>	<u>Case Caption</u>	<u>Case Number</u>
64.	McMurray, Scott	Cellino & Barnes, P.C.	Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
65.	McPhaden, Arleen	Cellino & Barnes, P.C.	Allen, Marie v. Merck & Co., Inc.	2:06-cv-02220-EEF-DEK
66.	Melton, Roberta	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
67.	Mertz, Charles R	Cellino & Barnes, P.C.	Monte, John v. Merck & Co., Inc.	2:06-cv-01167-EEF-DEK
68.	Mietlowski, Alan D	Cellino & Barnes, P.C.	Coles, Patti v. Merck & Co., Inc.	2:07-cv-02936-EEF-DEK
69.	Miller, Charlene	Cellino & Barnes, P.C.	Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
70.	Miskho, Brian W	Cellino & Barnes, P.C.	Miskho, Brian v. Merck & Co., Inc.	2:06-cv-01159-EEF-DEK
71.	Negron, Myriam	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
72.	Nelson, James	Cellino & Barnes, P.C.	Anderson, Geraldine v. Merck & Co., Inc.	2:07-cv-03631-EEF-DEK
73.	Petty, Lee C	Cellino & Barnes, P.C.	Ballantyne, Arthur W. v. Merck & Co., Inc.	2:06-cv-02195-EEF-DEK
74.	Plambeck, Richard G	Cellino & Barnes, P.C.	Ballantyne, Arthur W. v. Merck & Co., Inc.	2:06-cv-02195-EEF-DEK
75.	Rarick, Kenneth L	Cellino & Barnes, P.C.	Amie, Vernon v. Merck & Co., Inc.	2:06-cv-02219-EEF-DEK
76.	Reilly, James A	Cellino & Barnes, P.C.	Ballantyne, Arthur W. v. Merck & Co., Inc.	2:06-cv-02195-EEF-DEK
77.	Robinson, Deborah	Cellino & Barnes, P.C.	Czekalski, Cindy v. Merck & Co., Inc.	2:06-cv-01207-EEF-DEK
78.	Rhoades, Dawn A	Cellino & Barnes, P.C.	Davis, Catherine v. Merck & Co., Inc.	2:06-cv-01209-EEF-DEK
79.	Sackett, Marlo R	Cellino & Barnes, P.C.	Anderson, Delanese v. Merck & Co., Inc.	2:06-cv-01170-EEF-DEK

	<u>Plaintiff</u>	<u>Counsel</u>	<u>Case Caption</u>	<u>Case Number</u>
80.	Scherf, Frank	Cellino & Barnes, P.C.	Allen, Ronnie v. Merck & Co., Inc.	2:06-cv-02212-EEF-DEK
81.	Schultz, Barbara	Cellino & Barnes, P.C.	Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204-EEF-DEK
82.	Shahid, Marge A	Cellino & Barnes, P.C.	Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
83.	Steerman, Gladys	Cellino & Barnes, P.C.	Albright, Ann M. G. v. Merck & Co., Inc.	2:06-cv-02204-EEF-DEK
84.	Vecchio, Teresa M	Cellino & Barnes, P.C.	Daluiso, Anna v. Merck & Co., Inc.	2:06-cv-01197-EEF-DEK
85.	Walker, Renee	Cellino & Barnes, P.C.	Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
86.	Webb, Carol R	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
87.	Webb, Kathleen	Cellino & Barnes, P.C.	Carr, Marie v. Merck & Co., Inc.	2:06-cv-03612-EEF-DEK
88.	Weese, Roxana	Cellino & Barnes, P.C.	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
89.	Weiser, Harlan L	Cellino & Barnes, P.C.	Amie, Vernon v. Merck & Co., Inc.	2:06-cv-02219-EEF-DEK
90.	Werner-Vecellio, Paula R	Cellino & Barnes, P.C.	Werner Vecellio, Paula v. Merck & Co., Inc.	2:06-cv-03900-EEF-DEK
91.	Woodock, Christine D	Cellino & Barnes, P.C.	Adams, Mary E. v. Merck & Co., Inc.	2:06-cv-02200-EEF-DEK
92.	Albertson, Beverly A	Cory, Watson, Crowder & DeGaris	Albertson, Beverly v. Merck & Co., Inc.	2:06-cv-06236-EEF-DEK
93.	Fulton, Rebeka K	Cory, Watson, Crowder & DeGaris	Fulton, Arthur v. Merck & Co., Inc.	2:05-cv-00436-EEF-DEK
94.	Knifley, Thelma M	Cory, Watson, Crowder & DeGaris	Knifley, Welby R. v. Merck & Co., Inc.	2:05-cv-05635-EEF-DEK
95.	Gasio, Dane B	Federman & Sherwood	Gasio, Dane v. Merck & Co., Inc.	2:07-cv-01054-EEF-DEK

	<u>Plaintiff</u>	<u>Counsel</u>	<u>Case Caption</u>	<u>Case Number</u>
96.	Graham, Larry N	Federman & Sherwood	Graham, Larry v. Merck & Co., Inc.	2:07-cv-01055-EEF-DEK
97.	Laviner, Rebecca	Federman & Sherwood	Laviner, Rebecca v. Merck & Co., Inc.	2:06-cv-06932-EEF-DEK
98.	Gonzalez, Pedro	Handler, Henning & Rosenberg, LLP	Gonzales, Pedro Jr. v. Merck & Co., Inc.	2:06-cv-09815-EEF-DEK
99.	Heisey-DeWolf, Deborah A	Handler, Henning & Rosenberg, LLP	Heisey DeWolf, Deborah v. Merck & Co., Inc.	2:06-cv-09810-EEF-DEK
100.	Hench, Edwin C	Handler, Henning & Rosenberg, LLP	Hench, Edwin C. v. Merck & Co., Inc.	2:06-cv-09811-EEF-DEK
101.	King, LaDonna G	Handler, Henning & Rosenberg, LLP	King, LaDonna v. Merck & Co., Inc.	2:06-cv-10270-EEF-DEK
102.	Klunk, Nancy A	Handler, Henning & Rosenberg, LLP	Wolfe, Barbara E. v. Merck & Co., Inc.	2:06-cv-09808-EEF-DEK
103.	Osiecki, Marilyn J	Handler, Henning & Rosenberg, LLP	Osiecki, Marilyn J. v. Merck & Co., Inc.	2:06-cv-09814-EEF-DEK
104.	Painter, Gladys R	Handler, Henning & Rosenberg, LLP	Gibson, Kathy v. Merck & Co., Inc.	2:06-cv-09812-EEF-DEK
105.	Slembarski, John C	Handler, Henning & Rosenberg, LLP	Slembarski, John C. v. Merck & Co., Inc.	2:06-cv-09809-EEF-DEK
106.	Bland, Violet M	Mattingly, Nally-Martin & Fowler, PLLC	Popp, Jennifer M. v. Merck & Co., Inc.	2:06-cv-01926-EEF-DEK
107.	Wagganer, Gerald L	Schuler Halvorson & Weisser	Wagganer, Gerald v. Merck & Co., Inc.	2:05-cv-03125-EEF-DEK
108.	DeRose, Gary A	Stratton Faxon	Whittaker, Denise v. Merck & Co., Inc.	2:05-cv-01257-EEF-DEK
109.	Donaldson, William J	Stratton Faxon	Whittaker, Denise v. Merck & Co., Inc.	2:05-cv-01257-EEF-DEK
110.	Hess, Denise R	Stratton Faxon	Hess, Denise R. v. Merck & Co., Inc.	2:05-cv-05893-EEF-DEK
111.	Lynch, Judith A	Stratton Faxon	Lynch, Judith v. Merck & Co., Inc.	2:05-cv-05072-EEF-DEK

	<u>Plaintiff</u>	<u>Counsel</u>	<u>Case Caption</u>	<u>Case Number</u>
112.	Perry, Samuel C	Stratton Faxon	Chambers, Marianne v. Merck & Co., Inc.	2:05-cv-01997-EEF-DEK
113.	Rodriguez, Marjorie	Stratton Faxon	Whittaker, Denise v. Merck & Co., Inc.	2:05-cv-01257-EEF-DEK
114.	Hudnut, Lynn D	<i>Pro Se</i>	Jenkins, Ruth v. Merck & Co., Inc.	2:05-cv-04054-EEF-DEK
115.	Pierre, Edele	<i>Pro Se</i>	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK
116.	Tydus, Kathryn	<i>Pro Se</i>	Banks, Mary v. Merck & Co., Inc.	2:06-cv-02214-EEF-DEK