

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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IN RE: DIET DRUGS : MDL DOCKET NO. 1203  
(PHENTERMINE/FENFLURAMINE/  
DEXFENFLURAMINE) PRODUCTS :  
LIABILITY LITIGATION :

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CINDY BROWN v. A.H. ROBBINS : CIVIL ACTION NO.: 98-20530  
COMPANY, ET AL : U.S.D.C. for MONTANA

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PRETRIAL ORDER NO. 1015

REMAND ORDER

AND NOW, this 5<sup>th</sup> day of December, 1999, the purpose of this Order is to suggest to the Judicial Panel on Multidistrict Litigation (JPML) that the case of *Cindy Brown v. A.H. Robbins, et al*, be remanded to the United States District Court of Montana, from which it was transferred to this district under 28 U.S.C. § 1407. All pre-trial proceedings have been completed as respects pleadings, discovery and motions that the transferee court determined could and should be considered in the transferee court. The motions that remain to be considered, when filed in the transferor court, are those that are both case and fact specific as opposed to motions that would effect the issues that apply to either substantial numbers of cases or all cases in the MDL No. 1203.

The Court's reference in this Order to discovery being

"completed" should be understood to mean that discovery is concluded except for the deposition of Curt Brown, which will be taken in the remand court, pursuant to the agreement of the parties as set forth in the attached chart, which is marked as Exhibit "A", and supplementation of discovery responses as contemplated by Federal Rule of Civil Procedure 26 (e). It is the opinion of the transferee court that these remaining discovery tasks can be completed within thirty (30) to sixty (60) days from the date the civil action is docketed in the transferor court following remand. Whether any additional discovery will be permitted will, of course, be left for determination by the transferor court.

Accordingly, this court suggests that the JPML remand the above captioned case, to the United States District Court for the District of Montana, under Civil Action No.: 98-00054.

IT IS FURTHER ORDERED that:

1. any case specific motions related to this case, in this transferee court, are hereby DENIED, WITHOUT PREJUDICE, and may be reasserted in the appropriate transferor district court; and
2. Motion practice in regard to this case is hereby STAYED, in this transferee court.

SO ORDERED.



LOUIS C. BECHTLE, J.

**CASE IN REMAND GROUP A READY FOR TRANSFER**

PLAINTIFF	CASE NO. AND STATE	DID	COUNSEL FOR PLAINTIFF AND DEFENDANT(S)	OUTSTANDING ISSUES
Cindy Brown v. A.H. Robins Co., et al	98-20530 Montana	8/1/98	<p>Plaintiff: Daniel Hileman, Esquire Tia Robbin, Esquire; Kaufman, Vidal &amp; Hileman, P.C. 22 Second Avenue West P.O. Box 728 Kalispell, MT 59903 (406) 755-5700 (406) 755-5783 (fax)</p> <p>William E. Jones, Esquire Garlington, Lohn &amp; Robinson, PLLP 199 West Pine P.O. Box 7909 Missoula, Montana 59807-7909 (406) 523-2500 (406) 523-2595 (fax) Counsel for AHP</p> <p>Raymond Biagini, Esquire McKenna &amp; Conco, LLP 1900 K Street, NW Washington, D.C. 20006 (202) 496-7500 (202) 496-7756 (fax) Counsel for Eon Labs Manufacturing, Inc.</p> <p>Maxon R. Davis, Esquire Davis, Hatley, Haffeman &amp; Tighe, P.C., The Milwaukee Station P.O. Box 2103 100 River Drive North Great Falls, Montana 59403-2103 (406) 761-5243; (406) 761-4126 (fax) Counsel for SKB</p>	<p>All fact discovery and depositions of plaintiff's experts are done.</p> <p>The parties agree to depose the plaintiff's husband (Curt Brown) in the remand court.</p>