

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

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

PRETRIAL ORDER NO. 1071

AND NOW, TO WIT, this 28<sup>th</sup> day of January, 2000, IT IS ORDERED that a Special Discovery Court shall be established. The Special Discovery Court ("SDC") is to function temporarily for the limited and exclusive purpose of promptly administering discovery requirements and resolving discovery disputes applicable to the proceedings before the court regarding consideration of judicial approval of the Nationwide Class Action Settlement Agreement in Brown, Civil Action No. 99-20593, in this MDL-1203. The goal of the SDC is to reduce the time segments and procedural requirements normally associated with discovery in federal court while still adhering to the substantive discovery rules embodied in the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the SDC will function as follows:

1. Commencing on Wednesday, February 2, 2000, and every Wednesday thereafter at 9:30 a.m. in Courtroom 17B of the United States Courthouse, 601 Market Street, Philadelphia, PA, or at such other

time and place as the court may by separate Order provide, the court will hold an SDC session and hear applications, by parties with standing, regarding discovery matters, including requirements and disputes, that are in need of court intervention. The parties will be required to certify at the time of presentation to the SDC that they cannot resolve the matter between them despite good faith efforts to do so.

2. The form in which these discovery matters shall be submitted to the SDC will be by a motion, not to exceed five (5) pages, that will set forth the requested relief and the grounds upon which the requested relief is sought. THIS MOTION IS NOT TO BE FILED WITH THE CLERK OF COURT PRIOR TO THE HEARING. At least one full business day prior to the presentation by the moving party of the unfiled motion to the SDC, that party shall provide the party in opposition with a copy of that motion.
3. The court expects that any matter requiring attention by the SDC under this procedure will be brought to the court at the next session of the SDC following the date when the parties have

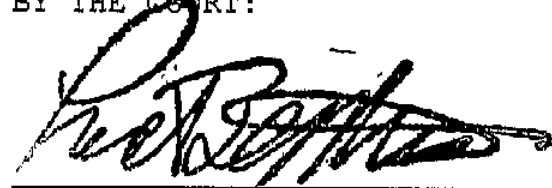
determined that they cannot resolve the matters between them without court intervention.

4. To the extent that the differences between the parties, or other requirements needing court attention are resolved at an SDC session, they shall be ruled upon from the bench at that time. As to any matter in the unfiled motion that is not determined by the court, the moving party shall preserve its position by filing the proposed motion with the Clerk. The responding party shall file an answer to the filed motion in respect to the undecided matters that have been preserved. The answer shall be served at least one full business day before the next regular weekly session of the SDC, where that matter and any new or like matters shall be heard.
5. It is contemplated that the undersigned shall preside at all SDC sessions. In the event that the undersigned is unable to preside, another judicial officer including a United States Magistrate Judge designated in accordance with 28 U.S.C. §636(b)(1) shall preside over such session(s) in accordance with the within procedure, including the entry of appropriate

orders that the judicial officer determines are  
necessary to be entered.

SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Louis C. Bechtle", written over a horizontal line.

LOUIS C. BECHTLE, J.