

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

IN RE: DIET DRUGS (PHENTERMINE/
FENFLURAMINE/DEXFENFLURAMINE)
PRODUCTS LIABILITY LITIGATION

MDL DOCKET NO. 1203

THIS DOCUMENT RELATES TO:

ALL ACTIONS

FILED MAR 18 1999

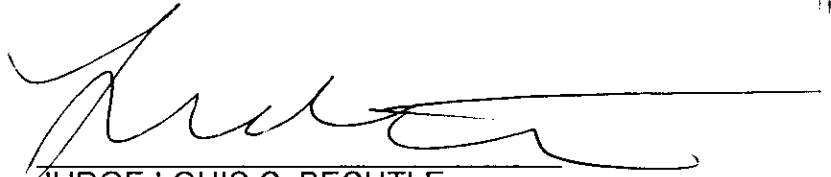
PRETRIAL ORDER NO. 519

Certain states have statutes which permit the jury to allocate responsibility for a plaintiff's injuries to a non-party only if the defendant has provided notice designating such potentially responsible non-parties prior to trial. Such states include Michigan, Indiana, Colorado, Tennessee and perhaps others. The defendants' designation of non-parties is generally required to be made within a certain time period after the filing of the Complaint. Colorado, for example, requires that such designation be made within 90 days following commencement of the action. C.R.S. § 13-21-111.5 (3)(b).

The American Home Products Corporation defendants have made various motions to extend these deadlines, citing primarily the fact that it cannot reasonably designate potentially responsible non-parties until after the plaintiff has completed the Fact Sheet required by PTO 22. See, e.g., American Home Products Corporation and Wyeth-Ayerst Laboratories Division of American Home Products Corporation's Motion for Further Enlargement of Time to Designate Non-Party Tort-Feasors, filed in Kepler v. American Home Products Corporation, No. 98-20752, Document No. 200462A.

For these reasons and those discussed at the Status Conferences held on January 23 (Tr. at 89-93) and February 18 (Tr. at 103-106) it is hereby ORDERED that such non-party designations shall be due within 90 days after the defendant has received the plaintiffs' completed Fact Sheet or at such date as it would otherwise be due under state law, whatever is later. Provided, however, that in the event such dates have already passed as of the date of this Order, then such designations shall be made within 60 days of the entry of the Order.

Nothing in this Order is intended to prevent defendants from seeking leave in any particular case, in this Court or in the transferor Courts, upon good cause shown and in conformity with the relevant state statutes, for making such designations at any later dates than those specified herein.


JUDGE LOUIS C. BECHTLE
3/18/99

ENTERED: 3-18-99

CLERK OF COURT