

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 :

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:
THIS DOCUMENT RELATES TO ALL :
ACTIONS :

PRETRIAL ORDER NO. 6

IN THE MATTER OF THE PLAINTIFFS' MANAGEMENT COMMITTEE

The court has received a number of applications in response to its request for attorneys to apply for positions on a court-appointed committee to assist plaintiffs in this case. The court has reviewed each application and by this Order appoints the committee.

I. COMPOSITION OF THE PLAINTIFFS' MANAGEMENT COMMITTEE

A. Membership

The committee shall be designated the "Plaintiffs' Management Committee" ("PMC") and shall consist of eleven (11) persons. By this Order the court will fill nine (9) of those positions as follows:²

- (1) Roger P. Brosnahan, Esquire, Minneapolis, Minnesota
- (2) Elizabeth J. Cabraser, Esquire, San Francisco, California.

1. The resumes and materials filed in support of the selected candidates will be filed with the Clerk of the Court for the Eastern District of Pennsylvania.

2. The remaining positions will be filled by further Order of the court.

- (3) Stanley M. Chesley, Esquire, Cincinnati, Ohio.
- (4) John J. Cummings, III, Esquire, New Orleans, Louisiana
- (5) Michael D. Hausfeld, Esquire, Washington D.C.
- (6) Will Kemp, Esquire, Las Vegas, Nevada.
- (7) Arnold Levin, Esquire, Philadelphia, Pennsylvania.
- (8) Dianne M. Nast, Esquire, Lancaster, Pennsylvania.
- (9) Darryl J. Tschirn, Esquire, La Jolla, California.

B. Co-Chairpersons

Stanley M. Chesley, Esquire, John J. Cummings, III, Esquire and Arnold Levin, Esquire are appointed co-chairpersons of the PMC.

C. Plaintiffs' Liaison Counsel

Arnold Levin, Esquire shall continue to serve as Plaintiffs' Liaison Counsel.

D. Term

The persons named above, who accept the appointment to serve, agree to serve for the duration of this litigation or until such time as the court determines that a change in the duration of service or other terms of service shall be made. The court may decide from time to time to enlarge or reduce the size of the PMC depending upon such need brought on by the litigation.

E. Personal Appointment

The court has appointed the named persons because of the expectation of their personal contribution to the work of the PMC

and to the furtherance of the completion of the MDL portion of the litigation. For this reason, the court will look to the individual members to satisfy the goals that the court expects the PMC to achieve. The court will likewise consider the contribution of each of the PMC members when the court is called upon to determine appropriate compensation for service on the PMC. While the court contemplates that each of the PMC members will require the assistance of colleagues, paralegals, support staff, and others in the fulfillment of their committee assignments, the court will expect the individual members to be responsible for the ultimate outcome of the activities performed by the PMC.

—II. DUTIES AND RESPONSIBILITIES

A. As soon as practicable following the filing of this Order, the committee members shall convene and organize the committee as a functioning unit guided by the leadership of the co-chairpersons.

B. Within thirty (30) days of the date of this Order, the committee shall file with the court a report. That report shall include a description of the organization of the committee, together with a suggestion as to the sub-committees or advisory panels that will function to assist the committee's contemplated principal activities. The report should provide a description of how the committee intends to delegate certain duties, including: the preparation and completion of pleadings; the filing of, and responses to, motions; discovery; pretrial preparation;

settlement; and administration of the PMC as it pertains to discovery, docket management, exhibit and discovery depository, communication with individual plaintiffs and individual plaintiffs' counsel, liaison with defendants, and the division of work respecting court appearances. In this regard, the court will require that a document depository be established and located in Philadelphia, Pennsylvania.

C. The committee's report shall also include suggested procedures for the maintenance of committee minutes, books, records, and files, including the standards and manner in which the committee expects to function regarding expenditures of sums for necessary litigation costs for services, space and supplies, as well as costs and expenses for other necessary functions of the committee, with particular emphasis on periodic financial reports to the court and a means of ongoing auditing of the financial activities of the committee.

D. The report shall also include the committee's estimates and expression of needs concerning space, equipment and facilities for the committee to function.

SO ORDERED.



LOUIS C. BECHTLE, J.

DATE: February 5, 1998