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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE Phenylpropanolamine (PPA) Products Liability Litigation ---------- This document relates to all actions	No MDL 1407 **CASE MANAGEMENT ORDER NO. 15 CONCERNING SEVERANCE OF MULTIPLE PLAINTIFF CASES IN MDL 1407**

Currently pending in MDL 1407, there are a number of cases that join the unrelated claims of numerous individuals alleging to have ingested a PPA-containing product. See e g., the cases listed in Attachment A For example, in Louisiana, there are 29 pending cases that attempt to join multiple plaintiffs There are over 1,000 individual plaintiffs in these 29 cases One case alone, *Adams v Bayer Corp, et al*, accounts for over 500 PPA plaintiffs Moreover, although these cases list nearly every PPA manufacturer involved in this Multidistrict Litigation, the individual plaintiffs fail to state with specificity which products they allegedly ingested, and therefore fail to identify the manufacturers that allegedly caused their injuries

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Permissive joinder is governed by Rules 20 and 21 of the Federal Rules of Civil Procedure, which provide that multiple plaintiffs may "assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action " Fed R. Civ P 20(a) Because these multiple plaintiff cases do not seek relief arising from the same transaction or occurrence, severance of the individual plaintiffs is proper. Furthermore, under Fed R Civ P. 20(b), "[t]he court may make such orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of a party against whom the party asserts no claim and who asserts no claim against the party, and may order separate trials or make other orders to prevent delay or prejudice " Fed R. Civ P. 20(b) (emphasis added)

Therefore, because these multiple plaintiff cases cannot meet the threshold requirement for permissive joinder under Fed R. Civ P 20(a),

IT IS ORDERED, as follows

1 All cases that contain multiple plaintiffs currently pending in MDL 1407, excluding those cases alleging loss of consortium on behalf of a spouse, must file and serve individual new Complaints within ~~60~~ (30) days of the date of this Case Management Order, which shall relate back to the date of the original Complaint in which a party is named These newly filed individual Complaints must be filed in this Court as part of MDL 1407 in the Western District of Washington

A The newly filed individual Complaints may not allege any new factual allegations, additional causes of action or add additional new defendants, however, individual plaintiffs must provide specific allegations regarding the individual defendants who they

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claim manufactured the products that form the basis of their Complaint, including (i) the products allegedly used, (ii) the dates on which the products were used, (iii) the injury alleged, and (iv) the dates of injury.

B Any amendments to plaintiffs' individual Complaints not specifically addressed in this Case Management Order, or that are specifically prohibited in the preceding paragraph 1 A., may be made on motion to the Court after the filing of the newly filed individual Complaint in compliance with this Case Management Order

C. Each newly filed individual Complaint shall adopt the original Complaint in which that individual plaintiff is a named party. The newly filed individual Complaint must then detail the specific factual allegations contained in paragraph 1 A.

D Each newly filed individual Complaint will receive a new civil action number, which will be assigned to the newly filed individual Complaint at no cost to plaintiff or defendants

2 For all multiple plaintiff PPA cases docketed in MDL 1407 after the filing date of this Case Management Order, plaintiffs must automatically file new individual Complaints in compliance with the preceding paragraphs within 30 days of the docketing date in MDL 1407.

3 Nothing in this Case Management Order shall delay the production of Plaintiff Fact Sheets by plaintiffs named in multiple plaintiff cases

4 Any plaintiff in a multi-plaintiff case that is governed by this Order whose counsel withdraws from representation will have sixty (60) days in order to find new counsel

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5. This Order applies to all cases currently docketed in MDL 1407 or that may in the future be docketed in MDL 1407.

AND IT IS SO ORDERED

Dated this 29th day of May, 2003

Barbara J Rothstein
United States District Judge

Presented by:

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By D. Joseph Hurson
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ATTACHMENT A:

LIST OF MULTI-PLAINTIFF CASES

ALABAMA
Bandy, et al v Bayer Corporation, et al
Boyd, et al v Bayer, et al
Bennett v Bayer Corporation, et al
Cunningham, et al v Bayer Corporation, et al
Fleming, et al v Bayer Corporation, et al
Waters, et al v Bayer

CALIFORNIA
Mustoe, et al v Bayer
Ridge, et al v GlaxoSmithKline

KENTUCKY
Gilbert, et al. v American Home Products, et al
Huggins, et al v Bayer

LOUISIANA
Ackel v Bayer Corporation, et al
Barbara Adams v Bayer, et al
Irene Adams v American Home Products Corporation
Linda Adams v American Home Products Corporation, et al
Andry v American Home Products Corporation, et al
Ardoin, et al v American Home Products Corporation, et al.
Ashley, et al v American Home Products Corporation, et al
Ashton, et al v Bayer Corporation, et al
Barrilleaux, et al v American Home Products Corporation, et al
Beals, et al v American Home Products Corporation, et al
Bickham, et al v American Home Products Corporation, et al
Bourgeois, et al v American Home Products Corporation, et al
Brock, et al v American Home Products Corporation, et al
Burbel, et al v SmithKline Beecham Corporation, et al
Byrd, et al v Bayer Corporation, et al.
Charlet, et al v American Home Products Corporation, et al
Claiborne, et al v American Home Products Corporation, et al
Jim Davis, et al v American Home Products Corporation, et al
Earl, et al v American Home Products Corporation, et al
Everidge, et al v Bayer Corporation, et al
Fife, et al v American Home Products Corporation, et al
Fortenberry, et al v AHP, et al
George v Novartis Consumer Health, et al
Landry, et al v Bayer Corporation, et al
Malveaux, et al v Bayer Corporation, et al

McCullough, et al v American Home Products Corporation, et al
Myers, et al v SmithKline Beecham, et al
Patterson, et al v Bayer Corporation, et al
Pier, et al v Bayer Corporation, et al
Riptoe, et al v Bayer Corporation, et al
Rowe, et al v Bayer Corporation, et al
Saverin, et al v Bayer Corporation, et al
Stroud v Bayer, et al
Temple, et al v American Home Products Corporation, et al

MISSISSPPI
Addison, et al v Novartis, et al
Aidt, et al v Bayer Corporation, et al
Ainsworth, et al v Wyeth f/k/a American Home Products Corporation, et al
Anderson, et al. v Chattem, et al
Bailey, et al v. Wyeth d/b/a Wyeth, Inc , et al
Barnett, et al v. American Home Products Corporation, et al
Britton, et al v Bayer, et al
Brooks, et al v American Home Products Corporation, et al.
Bullock, et al v Bayer, et al
Buse, et al v Bayer, et al
Clay, et al v American Home Products Corporation, et al
Coleman, et al. v. Bayer, et al.
Conway, et al v American Home Products Corporation, et al
Cooper, et al v Novartis, et al
Davis, et al v American Home Products Corporation, et al
Kenneth Davis, et al v Bayer, et al
Dunn, et al v Wyeth (f/k/a American Home Products, et al
Dyson, et al v. Block Drug Company, et al
Gray, et al v Bayer, et al
Green, et al. v Bayer, et al
Kincaid, et al v Bayer, et al
Knight, et al v Bayer, et al
Lacy, et al v Wyeth, et al
Madison, et al v. Bayer Corporation, et al
May, et al v American Home Products, et al
McGuffee, et al v Bayer, et al
Newell, et al v American Home Products Corporation, et al
Robbs, et al v Bayerm et al
Rogers, et al v Bayer, et al
Russ, et al v Wyeth, et al.
Rosie Smith, et al v Bayer, et al.
Thomas, et al v Wyeth f/k/a American Home Products Corporation, et al
Wilkinson, et al v American Home Products, et al
Wilson, et al v American Home Products, et al
Tobias, et al v American Home Products, et al

White, et al v American Home Products, et al
Womack, et al v SmithKline Beecham, et al

NEW YORK
Delatte, et al v. Bayer

NEW MEXICO
Faustine, et al v American Home Products Corporation, et al

SOUTH CAROLINA
Flucker, et al v Bayer

TENNESSEE
Jones, et al v American Home Products Corporation, et al
Noman, et al v Block
Norman, et al v Bayer

TEXAS
Avalos, et al v Wyeth f/k/a American Home Products, et al
Bertrand, et al v Delaco, et al
Brumley, et al v Wyeth, et al
Carrisalez, et al v Wyeth f/k/a American Home Products Corporation, et al
Dille, et al v Thompson, et al
Garza, et al v Bayer, et al
Gentry, et al v Bayer, et al
Griffin, et al v Wyeth, et al
McClellan, et al Bayer, et al