

Order Re: Deposition Exhibit Protocol**09/26/2002**

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

IN RE: PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION,	MDL NO. 1407 ORDER RE: DEPOSITION EXHIBIT PROTOCOL
This document relates to all actions	

The court held a telephone conference on September 25, 2002 regarding an ongoing dispute relating to the designation of exhibits for depositions. Plaintiffs sought assistance from the court regarding the perceived over-designation of documents as exhibits by defendants for the depositions of the Yale Hemorrhagic Stroke Project ("HSP") investigators.

After hearing from both plaintiffs and defendants, as well as counsel for Yale, the court ordered the adoption of a protocol for the designation of exhibits for all MDL depositions. Pursuant to CMO 1, the parties must continue to disclose to the deponent's counsel at least ten (10) days prior to a deposition the documents they expect to use during their examination of the deponent. The court now limits the number of exhibits that may be designated to one hundred (100) documents total. Moreover, should a party plan on utilizing only select pages or portions of a document consisting of a significant number of pages, the pages or portions to be utilized must be specifically designated. However, if possible, the entire document, as opposed to the select pages or portions at issue, will be provided to the deponent's counsel. Finally, should a small number of additional documents not designated as exhibits prove relevant at the time of the deposition, the parties agree to be reasonable in allowing the use of those documents.

The parties also raised the issue of exhibit designation with respect to the next HSP investigator deposition, scheduled to begin on Tuesday, October 1, 2002. Defendants agreed to provide the limited exhibit designation, totaling no more than one hundred documents, by noon on September 26, 2002. The parties also agreed to confer as to whether the start date of this particular

deposition should be delayed in order to ensure sufficient time for the deponent to review the documents designated by defendants.

DATED at Seattle, Washington this 26th day of September, 2002.

/s/

BARBARA JACOBS ROTHSTEIN
UNITED STATES DISTRICT JUDGE