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Hon. Barbara Jacobs Rothstein

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SEP 04 2002

SEP 09 2002

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY *WJ* DEPUTY

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE (PPA)
PRODUCTS LIABILITY LITIGATION.

MDL 1407

This document relates to all actions.

STIPULATION AND ORDER
REGARDING EXPERT
DISCLOSURES

STIPULATION

COME NOW the parties hereto, and hereby stipulate to the following:

If, on or before October 15, 2002, a plaintiff's attorney adopts the expert disclosures submitted on October 1, 2002 by certain members of the Plaintiffs' Steering Committee in their individual capacities with respect to any issues of widespread applicability, including general causation, that plaintiff's attorney (and any attorneys who submitted expert disclosures on October 1, 2002) may nevertheless later designate different experts to testify on the same issue(s) at trial so long as:

1. The later-designated experts rely upon the same or substantially the same evidence, opinions and/or theories relied upon by the October 1, 2002 expert disclosures adopted by that plaintiff's attorney; and,

STIPULATION AND ORDER REGARDING EXPERT
DISCLOSURES - 1

(MDL 1407)

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1 2. Such opinions, evidence and/or theories have not previously been determined by this
2 Court to be scientifically unreliable or otherwise inadmissible.

3 Defendants nevertheless would have the right to challenge the admissibility of the
4 testimony of such later-designated expert testimony on expert-specific grounds such as the lack
5 of qualifications to render the opinions being proffered. Similarly, although defendants may
6 jointly designate common experts on January 3, 2003, with respect to any issues of widespread
7 applicability, including general causation, each defendant may nevertheless later designate
8 different experts to testify on the same issue(s) at trial so long as:

9
10 1. The later-designated experts rely upon the same or substantially the same opinions,
11 evidence and/or theories advanced by defendants' jointly-designated common experts; and,

12 2. The evidence, opinions and/or theories relied upon by those jointly-designated
13 common experts have not previously been determined by this Court to be scientifically
14 unreliable or otherwise inadmissible.

15
16 Plaintiffs nevertheless would have the right to challenge the admissibility of such later-
17 designated expert testimony on expert-specific grounds such as the lack of qualifications to
18 render the opinions being proffered.

19 SIGNED at Seattle, Washington this 3rd day of September, 2002.

20 LEVINSON FRIEDMAN

WILLIAMS, KASTNER & GIBBS PLLC

21
22 By Lance E. Palmer
Lance E. Palmer, WSBA # 18141

By Douglas A. Hofmann
Douglas A. Hofmann, WSBA # 06393

23
24 Liaison Counsel for Plaintiffs

Co-Liaison Counsel for Defendants

25
STIPULATION AND ORDER REGARDING EXPERT
DISCLOSURES - 2

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