

01-MD-01407-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE (PPA)
PRODUCTS LIABILITY LITIGATION:

MDL NO. 1407

~~[PROPOSED]~~ ORDER MODIFYING
THE JUNE 2, 2004 ORDER
REGARDING DISMISSALS FOR
FAILURE TO PROSECUTE

This document relates to all cases.

MDL No. 1407 has reached a point where certain procedures are no longer necessary or practical given the number of cases remaining in the MDL. Therefore, this Court hereby modifies the June 2, 2004 Order Regarding Dismissals For Failure to Prosecute (Dkt. #2707).

Defense liaison counsel is no longer required to submit on the third Friday of each month a list of cases in which the deadline for case-specific fact discovery has passed but discovery remains incomplete pursuant to the June 2, 2004 Order Regarding Dismissals for Failure to Prosecute.

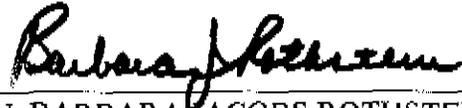
Counsel for any defendant may, where appropriate, submit to the Court cases in which the deadline for case-specific fact discovery has passed but discovery remains incomplete, and where no motion to dismiss is pending. The pleading shall be filed in the individual case docket and titled, "Notice of Case Regarding Dismissal for Failure to Prosecute" and shall include the following information (1) the plaintiff name, (2) the case name, (3) the cause

~~[PROPOSED]~~ ORDER MODIFYING THE JUNE 2, 2004 ORDER
REGARDING DISMISSALS FOR FAILURE TO PROSECUTE - 1
(MDL - 1407)

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1 number, (4) the names of any other defendants remaining in the case, and (5) the fact discovery
2 deadline. The Court will thereafter issue an Order to Show Cause why such case should not be
3 dismissed for failure to prosecute, and indicate the dates by which responses and replies shall
4 be filed.

5 SO ORDERED this 19th day of September 2006.

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8 HON. BARBARA JACOBS ROTHSTEIN
9 U. S. District Court Judge
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[PROPOSED] ORDER MODIFYING THE JUNE 2, 2004 ORDER
REGARDING DISMISSALS FOR FAILURE TO PROSECUTE - 2
(MDL - 1407)

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