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The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE
(PPA) PRODUCTS LIABILITY
LITIGATION,

MDL NO. 1407

CASE MANAGEMENT ORDER
NO. 18 REQUIREMENT OF
ALTERNATIVE DISPUTE
RESOLUTION

This document relates to all
actions.

I. REQUIREMENT OF ALTERNATIVE DISPUTE RESOLUTION

Within 10 days following a determination by this Court or its appointed Magistrate Judge that a case is "eligible for remand" as that term is used in Case Management Order No. 17, the parties must decide whether to mediate. If the parties do not agree to mediation by the end of the ten (10) day period, the parties involved in that case will be obligated to participate in a telephone "meet and confer" with Special Master Francis McGovern.¹ Immediately follow-

¹The role of Special Master McGovern is hereby expanded to include the duties contemplated by this Case Management Order.

1 ing the ten (10) day period, the parties shall inform the Court of
2 their decision by way of a brief joint submission titled "Election
3 Regarding Alternative Dispute Resolution."

4 **II. MEDIATION**

5 Should the parties elect to mediate, the mediation shall be
6 scheduled immediately upon selection of the case for remand. The
7 mediation shall take place no later than fourteen (14) days
8 following selection of the case for remand.

9 **III. SELECTION OF MEDIATORS**

10 Within ten (10) days of entry of this Order, the parties shall
11 meet and confer in an attempt to agree upon a panel of regional
12 mediators, which will include mediators from the following areas:
13 California, Texas, Western Louisiana, Eastern Louisiana, the
14 Northeast, the Southeast, and the remainder of the country. The
15 parties can agree to additional mediators if deemed necessary. To
16 the extent that the parties cannot agree on certain mediators,
17 Plaintiffs' Steering Committee and Defendants' Steering Committee
18 shall provide a list of nominees to Special Master Francis
19 McGovern, who will assist the parties in reaching resolution.

20 Each mediation session shall be conducted by one mutually agreed
21 upon mediator selected from the panel of regional mediators. The
22 cost of the mediation will be split equally among the mediating
23 plaintiff(s) and the mediating defendant(s) collectively. The
24 mediator selected shall be located within the same region as the
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