

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**IN RE:** : **MDL DOCKET NO. 4:03-CV-1507-WRW**  
**PREMPRO PRODUCTS LIABILITY** :  
**LITIGATION** : **ALL CASES**

**ORDER**

After discussing the January 27, 2009, Discovery Plan Order, the parties filed a Joint Status report asserting that the parties disagreed on three issues: (1) Prempro labeling file; (2) sales force call notes; and (3) “generic discovery going forward.”<sup>1</sup>

**1. Prempro Labeling File / Generic Discovery Going Forward**

In a March 12, 2009, letter, Plaintiffs asserted that these two topics were not ripe for discussion, and could be put off<sup>2</sup> (It turned out that the parties had fleshed out some of the issues for the time being). Plaintiffs also indicated that it would “be able to convince the court in September that discovery must continue on certain topics.”<sup>3</sup> And, again, during the March 20, 2009, telephone conference Plaintiffs mentioned addressing unresolved discovery disputes with a motion in September. The repeated references to the September 1, 2009, discovery deadline troubles me. This deadline is not a date on which suddenly the parties should bring up every generic discovery issue that is unresolved -- generic discovery issues are expected to be resolved before the deadline. Waiting until September 1, 2009, to bring up unresolved issues may well result in the denial of the requested relief. Again, generic discovery after the deadline will be the exception, not the norm.

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<sup>1</sup>Doc. No. 2006.

<sup>2</sup>Doc. No. 2010.

<sup>3</sup>*Id.*

## 2. Call Notes

Plaintiffs want Wyeth to produce sales force call notes from September 2004 through the time Wyeth switched to new call notes software -- some time in late 2005 or early 2006. Based on Plaintiffs' April 17, 2009 letter,<sup>4</sup> the request is GRANTED. Accordingly, Wyeth is directed to provide Plaintiffs with the requested call notes. The parties should "meet and confer" regarding how and when the call notes will be provided to Plaintiffs. If the parties are unable to work this out amongst themselves, they should petition the Court for relief.

IT IS SO ORDERED this 20th day of April, 2009.

/s/ Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT COURT

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<sup>4</sup>Doc. No. 2033.