

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

In re:	:	MDL Docket No. 4:03CV1507-WRW
	:	4:08CV03620
PREMPRO PRODUCTS LIABILITY LITIGATION	:	
	:	
BLODWYN DOERFLER	:	PLAINTIFF
	:	
v.	:	
	:	
WYETH, INC., et. al.	:	DEFENDANTS

ORDER

This Order applies to every newly transferred West Virginia case that was filed by the Calwell Practice, PLLC, but the Clerk of the Court does not need to file it in each case.

1. Extension of Deadlines

In several of the newly transferred West Virginia cases filed by the Calwell Practice, PLLC, the parties entered stipulations that extended the deadlines established by the November 5, 2008 Order.¹ These newly stipulated deadlines will apply to every newly transferred West Virginia case that was filed by the Calwell Practice, PLLC. The amended deadlines are:

- (1) By 5 p.m., Monday, December 15, 2008, Plaintiffs must respond to Defendants' outstanding PPO-8 notice letters.
- (2) PPO-8 motions to dismiss must be filed by 5 p.m., Monday, January 15, 2009.
- (3) For Defendants who have not filed master answers, answers or responsive pleadings must be filed by 5 p.m., Friday, January 23, 2009, if a motion to dismiss

¹Doc. No. 77.

is not file, or, if a motion to dismiss is filed, no later than thirty (30) days after the date of the Order ruling on the motion to dismiss.

(4) Plaintiffs' Fact Sheets must be served on Defendants by February 15, 2009.

2. ACP and ACOG Motion to Dismiss

Pending is Defendants American College of Physicians ("ACP") and American College of Obstetricians ("ACOG") and Gynecologists "Motion . . . With Respect to Filing Motions to Dismiss" (Doc. No. 83). ACP and ACOG ask that the Motion to Dismiss filed in this case be applied to "each and every West Virginia hormone therapy replacement Complaint transferred to this Court and in which ACP and/or ACOG have been both named and served."²

I understand that ACP's and ACOG's arguments for dismissal extend across-the-board to all of the West Virginia cases. However, a defendant will not be dismissed from a case without a proper motion in the specific case. It seems to me that the best way to proceed in these cases is for ACP and ACOG to wait for a ruling on the motion to dismiss in this case, and then determine how to proceed. For example, if Defendants' motion is successful, they could file motions in each case based on the Order granting their motion. If the motion is unsuccessful, Defendants can determine whether they want to pursue the motion in every other case.

Plaintiff should file a response to ACP's and ACOG's Motion to Dismiss (Doc. No. 83) by 5 p.m., Tuesday, December 16, 2008.

IT IS SO ORDERED this 9th day of December, 2008.

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

²Doc. No. 83.