

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____ )	
IN RE NEURONTIN MARKETING, SALES )	
PRACTICES, AND PRODUCTS LIABILITY )	
LITIGATION )	MDL Docket No. 1629
_____ )	Master File No. 04-10981
THIS ORDER RELATES TO: )	Judge Patti B. Saris
)	Mag. Judge Leo T. Sorokin
ALL PRODUCTS LIABILITY ACTIONS )	
_____ )	

ORDER REGARDING PENDING DISCOVERY MOTIONS

February 4, 2011

SOROKIN, M.J.

The Court makes the following ORDERS regarding pending discovery and pretrial matters.

1. The Motions of certain plaintiffs’ counsel to withdraw (Docket Numbers 3164, 3167, 3208) are ALLOWED. The request for sixty more days to find successor counsel is DENIED. The Court will address the status of these cases at the February 11, 2011 conference. Plaintiffs’ counsel shall notify these pro se plaintiffs of the resolution of the Court’s Order and of the Court’s further Order that these plaintiffs shall either (1) appear in person at the conference; (2) retain counsel to appear at the conference or (3) file with the Court prior to February 11, 2011 a letter stating he or she intends to proceed pro se in his or her case which such letter shall include the plaintiff’s current mailing and, if applicable, email address.

2. Depositions in the Boone Cases are hereby STAYED pending Judge Saris’ ruling on the Report and Recommendation on Defendants’ Motion to Compel.

3. Defendants have moved to compel additional discovery from Faith Ford, Betsy

Miller, Keith Edwards, Teresa Teater and Cynthia Lynch. Only Plaintiff Edwards has responded to the Defendants' Motion.

In light of the lack of opposition and based upon the Court's review of the pleadings, Plaintiffs Ford, Miller, Teater and Lynch are hereby ORDERED to supplement their template discovery responses to the interrogatories and documents requests with full and complete responses regarding the deficiencies noted by defendants in Docket #3173. These supplemental responses are due February 28, 2011. The failure of any Plaintiff to serve in a timely fashion full and complete discovery responses may result in **DISMISSAL of his or her lawsuit.**

Defendants' counsel shall serve a copy of this Order and another copy of Docket #3173 upon each of these pro se Plaintiffs.

Plaintiff Edwards has opposed the Motion. In light of the supplemental information, including the date range of his Neurontin prescription, as well as the likely possibility that he possesses no medical records due to his incarceration since 1988, the Court Orders Edwards to supplement his responses regarding only Interrogatories Numbers 19 with a full description of the categories of damages he claims (not merely a listing of his injuries), Number 14 with the names of the doctor(s) prescribing him Neurontin including the doctor or clinic's address (if known) and the name of the institution at which Edwards was incarcerated at that time.

Edwards' responses are due by February 28, 2011. The failure of pro se Plaintiff Edwards to serve in a timely fashion full and complete discovery responses as ordered herein may result in **DISMISSAL of his lawsuit.** Defendants' counsel shall serve a copy of this Order upon Edwards.

Accordingly, Motion to Compel Certain Pro Se Plaintiffs (#3172) is ALLOWED IN PART as stated herein.

4. Defendants' Motion for a Hearing regarding Pro Se Cases (Docket #3250) is ALLOWED. The Court will hear counsel on this matter at the February 11, 2011 status conference. The Court will revise the January 24, 2011 and February 4, 2011 deadlines for proposed transfer orders at the February 11, 2011 conference after hearing from counsel and any pro se parties present. Counsel shall be prepared to discuss the status of the Schwartz' cases as well as the other products liability cases at this conference. The Court does not anticipate issuing further pretrial orders regarding Attorney Boone's cases while the recommendation of dismissal remains pending before Judge Saris, accordingly, Attorney Boone may appear on February 11, 2011, however, his presence is not required.

5. Plaintiff Edwards' pro se motion for Court Orders directed at his medical providers ordering them to produce his medical records as well as records regarding their contact with defendants' sales representatives is DENIED WITHOUT PREJUDICE. The Court will consider the issue of Edwards' medical records at the February 11, 2011 status conference.

6. The Clerk shall update pro se plaintiff Teater's address on the docket with the updated address listed on Docket #3272.

SO ORDERED.

/s/ Leo T. Sorokin  
LEO T. SOROKIN  
UNITED STATES MAGISTRATE JUDGE