

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 CASES )      |                           |
| SCHWARTZ LAW FIRM CASES )           |                           |
| HENINGER LAW FIRM CASES )           |                           |
| _____ )                             |                           |

MEMORANDUM AND ORDER REGARDING DISCOVERY MATTERS

September 14, 2011

SOROKIN, M.J.

Counsel who have represented a products liability plaintiff in this MDL and subsequently withdrawn from this representation resulting in the plaintiff proceeding pro se shall notify the Products Liability Steering Committee and defense counsel of the plaintiff's name and case number by September 28, 2011. After reviewing this information, defense counsel and/or the steering committee may update the status reports previously filed, if necessary.

The Fourth Motion to Stay by Schwartz Law Firm (#3626) is ALLOWED.

The Heninger law firm has filed five motions to withdraw (#3623 Whitten, #3621 Poole, #3619 Grissom, #3617 Eaddy and #3615 Agee). The individual plaintiffs in these cases shall have until September 23, 2011 to file objections or responses, if any, to these motions to withdraw. If the Court receives neither responses nor objections to these motions then the individual plaintiffs shall have until October 7, 2011 either (1) to arrange for successor counsel and for successor counsel to file a notice of appearance with the Court or (2) to file a notice with

the Court stating the plaintiff intends to proceed pro se. Counsel shall serve a copy of this Order upon each plaintiff named in these motions.

Defendants move (#3580) for monetary sanctions under Rule 11 and 28 U.S.C. § 1927 against the Schwartz Law Firm for its continued prosecution of cases on behalf of Plaintiffs Weatherford, Pettit, Lee and Brockman. Defendants assert that the Schwartz Law Firm lacks a good faith basis to proceed with these five suits because each plaintiff's claims necessarily fail. The Motion is DENIED WITHOUT PREJUDICE to Defendants first filing motion(s) for summary judgment.

Defendants move to dismiss seven plaintiffs represented by the Heninger Garrison law firm for failure to comply with court orders (#3588). In July, defendants filed a motion to compel. Plaintiffs failed to respond; the Court allowed the motion as unopposed and ordered Plaintiffs to produce the discovery within 10 days. On August 19, 2011, defendants moved to dismiss asserting Plaintiffs had not complied with the Court's discovery order. To date, no Plaintiff has filed a response to the motion to dismiss, although responses were due on September 2, 2011. On September 8, 2011, the Heninger law firm filed motions to withdraw with respect to three of the seven plaintiffs (Odessa Grissom, Jacqueline Poole and Jessica Whitten). In addition, plaintiffs Meicki Baker and Joyce Reach have dismissed their claims. No filings have been made regarding Plaintiffs Andria Renee Blackwell or Pauline Huff. In light of the motions to withdraw and the Court's Order on those motions, the remaining Plaintiffs (Grissom, Poole, Whitten, Blackwell and Huff) shall have until **October 7, 2011** to file a response to the Motion to Dismiss. The Heninger Law firm shall serve a copy of this Order on

those plaintiffs for whom it has filed a motion to withdraw.

The Motion for Leave to File a Reply (#3614) is ALLOWED.

SO ORDERED.

/s/ Leo T. Sorokin

LEO T. SOROKIN

UNITED STATES MAGISTRATE JUDGE