

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ALLEN WILLIAMS, Executor of
the Estate of Barbara Bowles,

Plaintiff,

v.

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendants.

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Case No. 3:12-cv-145

JUDGE WALTER H. RICE

DECISION AND ENTRY SUSTAINING IN PART AND OVERRULING IN PART NOVARTIS PHARMACEUTICALS CORPORATION'S EMERGENCY MOTION FOR LEAVE TO CONSULT *EX PARTE* WITH ITS OWN RETAINED EXPERT WITNESS OR, IN THE ALTERNATIVE, FOR A REVISED SCHEDULE ALLOWING IT TO FIND AND PREPARE A NEW CASE-SPECIFIC EXPERT IN ONCOLOGY (DOC. #78)

For the reasons discussed on the record, during the conference calls held on April 9, 2014, and April 17, 2014, the Court SUSTAINS IN PART AND OVERRULES IN PART Novartis Pharmaceuticals Corporation's Emergency Motion for Leave to Consult *Ex Parte* With Its Own Retained Expert Witness or, in the Alternative, for a Revised Schedule Allowing It to Find and Prepare a New Case-Specific Expert in Oncology. Doc. #78.

Defendant may meet *ex parte* with its retained expert witness, Dr. Rafat Abonour, for the purpose of preparing him to testify about the subject of his expert witness report. However, Defendant shall have no *ex parte* discussions with Dr.

Abonour concerning his treatment of Ms. Bowles. Either party may depose Dr. Abonour at a later date concerning his role as Ms. Bowles's treating physician. Defendant's alternative motion for a revised case schedule, Doc. #78, is overruled as moot.

Date: April 21, 2014



WALTER H. RICE
UNITED STATES DISTRICT JUDGE