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October 12, 2012

## VIA FACSIMILE (267) 299-5077

The Honorable Cynthia M. Rufe  
United States District Court  
Eastern District of Pennsylvania  
601 Market Street  
Philadelphia, PA 19106-1797

RE: *In re: Zolofit (Sertraline Hydrochloride) Products Liability Litigation*, MDL No. 2342  
Multi-District Coordinator's Report No. 2

Dear Judge Rufe:

This is the Multi-District Coordinator's Report No. 2 concerning pending Zolofit MDL cases and pending state court cases filed in Illinois, Missouri, New York, Pennsylvania and West Virginia.

### Eastern District of Pennsylvania

There are approximately two-hundred-forty-five (245) Zolofit cases pending in this MDL Court.

### Illinois

There are fourteen (14) cases pending in two-multi-party complaints and one individual complaint in St. Clair County, Illinois.

*Wilson et al. v. Pfizer* involves eight (8) Plaintiff families.

*Saville et al. v. Pfizer* involves five (5) Plaintiff families.

*Ratliff v. Pfizer* has one (1) Plaintiff family involving twins.

*Wilson* and *Saville* are pending before the Honorable Andrew Gleeson and *Ratliff* is pending before the Honorable Vince Lopinot. I recently sent letters to Judges Gleeson and Lopinot providing them with an update on the MDL proceedings and requested that a conference call be set up with Your Honor and counsel to discuss coordination between the state court and this Court. Your Honor was copied on this letter.

In *Wilson* and *Saville*, the parties have exchanged initial discovery responses and protective orders have been entered in both cases. In both cases, Pfizer has also served written discovery limited to forum non conveniens issues and has moved to stay further discovery pending

coordination with the MDL and resolution of its pending motions. The pending motions in *Wilson* and *Seville* are Pfizer's Motion to Sever, Motion to Stay Discovery and Motion to Dismiss on Forum Non Conveniens Grounds. Oral argument on Pfizer's pending motions was heard on July 24, 2012, and those motions are awaiting a decision by Judge Gleeson.

The parties have also exchanged initial discovery responses in the *Ratliff* matter. In addition, defendant St. Elizabeth's Hospital has filed a Motion to Dismiss, which has been noticed for hearing on November 21, 2012.

Honorable Andrew Gleeson  
Twentieth Judicial Circuit Court  
St. Clair County Building  
10 Public Square  
Belleville, IL 62220  
Telephone: Susan Brem (Clerk) – (618) 825-2338

Honorable Vince Lopinot  
Twentieth Judicial Circuit Court  
St. Clair County Building  
10 Public Square  
Belleville, IL 62220  
Telephone: Susan Brem (Clerk) – (618) 825-2338

Additionally, on July 23, 2012, the Honorable G. Patrick Murphy of the Southern District of Illinois granted Plaintiffs' motion to remand in *Reeves et al. v. Pfizer*, which involved thirty-eight (38) Plaintiff families and was originally filed in St. Clair County, Illinois. Pfizer filed a Notice of Appeal with the Court of Appeals for the Seventh Circuit.

On July 31, 2012, the Seventh Circuit raised an issue as to whether the order appealed from is a final appealable order and ordered the parties to file briefs addressing the jurisdictional issue. Pfizer filed its jurisdictional memorandum on August 13th and the Plaintiffs filed their response on August 20th. The appeal is pending.

### Missouri

There are forty-three (43) cases pending in two multi-party complaints filed in St. Louis County Circuit Court, St. Louis, Missouri.

*Foster, et al. v. Pfizer* involves twenty-three (23) Plaintiff families. A telephone conference was held with the Honorable Steven Russell Ohmer on August 31, 2012 regarding *Foster*. Written discovery has been served by the Plaintiffs and responses have been served by Pfizer. There are no pending motions in *Foster*.

*Lancaster, et al. v. Pfizer* involves twenty (20) Plaintiff families. A telephone conference was held with the Honorable Bryan Hettenbach on September 4, 2012 regarding *Lancaster*. Written discovery was served by Plaintiffs and responses were served by Pfizer. Plaintiffs have also served deposition notices. Pfizer filed a Motion to Sever in *Lancaster* which was denied by the court by order dated September 12, 2012. Pfizer has filed a writ of prohibition with the Circuit Court of Appeals.

Honorable Steven Russell Ohmer  
Twenty-First Judicial Circuit of the State of Missouri  
10 N. Tucker Blvd.  
St. Louis, MO 63101  
Telephone: (314) 622-5606

Honorable Bryan Hettenbach  
Twenty-First Judicial Circuit of the State of Missouri  
10 N. Tucker Blvd.  
St. Louis, MO 63101  
Telephone: (314) 622-4381

### New York

There are seven individual cases pending in New York Supreme Court, one in Oneida County and six in New York County.

The Honorable Carol E. Huff has been assigned the six cases in New York County and the Honorable Justice Bernadette Clark has the one Oneida County case. Written discovery has been served in six of the seven cases. Pfizer has filed Motions to Dismiss in four of the seven cases.

A telephone conference was held with Judge Huff's law clerk, Guy Owen, on September 6, 2012 regarding the cases pending in Judge Huff's court.

As requested by Judge Clark's law clerk, I sent a letter on August 31, 2012 requesting a telephone conference with Judge Clark. I recently sent a follow-up letter to Judge Clark requesting that a conference call be set up with Your Honor and counsel to discuss coordination efforts. Your Honor was copied on this most recent letter.

Honorable Justice Bernadette Clark  
Supreme Court, Oneida County  
200 Elizabeth Street  
Utica, NY 13501  
Telephone: (315) 266-4310

Honorable Carol E. Huff  
Supreme Court, Civil Branch, New York County  
60 Centre Street  
New York, NY 10007.  
Telephone: Guy Owen (Clerk) – (646) 386- 3281

### Pennsylvania

There is one (1) case pending in the Philadelphia County Court of Common Pleas, *Robinson v. Wolters Kluwer, Inc. et al.* Written discovery has been served by Plaintiff and responses served by Pfizer. There are no pending motions.

The matter is pending before the Honorable Marlene Lachman. As requested by Judge Lachman's law clerk, I sent a letter to Judge Lachman on August 24, 2012 requesting a telephone conference. I recently sent a follow-up letter to Judge Lachman in which I requested a conference call with Your Honor and counsel to discuss coordination. Your Honor was copied on this most recent letter.

Honorable Marlene Lachman  
Court of Common Pleas of Philadelphia County  
1413 Criminal Justice Center  
1301 Filbert Street  
Philadelphia, PA 19107  
Telephone: (215) 683-7136

### West Virginia

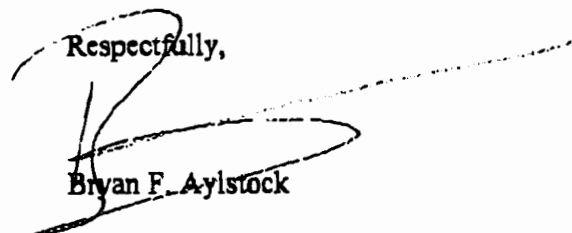
There is one case pending in the Circuit Court of Wayne County, West Virginia, involving a single Plaintiff family. The complaint was filed on behalf of nineteen (19) Plaintiff families. Each Plaintiff family was docketed as a separate civil action and eighteen (18) of the nineteen (19) cases were removed to federal court by Pfizer. Pfizer has filed a Motion to Dismiss on the grounds of forum non conveniens in the case that remains pending before Circuit Court Judge James H. Young, Jr. The motion was originally set to be heard on September 24, 2012, but is now set for oral argument on October 18, 2012. No discovery has been served to date.

On August 29, 2012, a telephone conference was held with Judge Young.

On September 25, 2012, the Honorable Robert C. Chambers of the Southern District of West Virginia issued an order remanding the eighteen (18) cases to the Circuit Court of Wayne County. Pfizer filed a Notice of Appeal with the Fourth Circuit Court of Appeals, which has entered a briefing schedule. Pfizer's opening brief is due November 13, 2012, and appellees' response is due December 17, 2012.

Honorable James H. Young, Jr.  
Twenty-Fourth Judicial Circuit, Wayne County  
P.O. Box 38  
Wayne, WV 25570  
Telephone: (304) 272-6332

Respectfully,



Bryan F. Aylstock

cc: Katherine Armstrong (via e-mail)  
Mara Cusker Gonzalez (via e-mail)  
Mark Cheffo (via e-mail)  
Catherine Stevens (via e-mail)  
Rachel Passaretti-Wu (via e-mail)  
Kim Lambert (via e-mail)

Please docket  
as Multi-  
District  
Coordinator's  
Report No. 2  
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