

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: EFFEXOR (VENLAFAXINE	:	MDL NO. 2458
HYDROCHLORIDE) PRODUCTS	:	13-MD-2458
LIABILITY LITIGATION	:	
	:	HON. CYNTHIA M. RUFÉ
	:	
THIS DOCUMENT APPLIES TO:	:	
ALL ACTIONS	:	

CASE MANAGEMENT ORDER NO. 3
(Modifying Case Management Order No. 1)

AND NOW, this 1st day of October 2013, upon consideration of the attached correspondence, the Court hereby modifies two deadlines set forth in Case Management Order No. 1 as follows:

POSITION STATEMENT. Interim liaison counsel shall submit to the Court, no later than **October 8, 2013**, a brief written statement of the parties' preliminary understanding of the facts involved in this litigation and the critical legal and factual issues. These statements will not be filed with the Clerk, will not be binding, will not waive claims or defenses, and may not be offered in evidence for any purpose in later proceedings. The parties' statements shall list all pending motions, as well as all related cases pending in state or federal court, along with their current status, including any discovery taken to date, to the extent known. The parties shall be limited to one such submission for all plaintiffs, and one such submission for all defendants.

PROPOSED CASE MANAGEMENT ORDER(S). The parties shall confer and interim liaison counsel shall submit one or more joint proposed case management order(s), as appropriate, **no later than October 8, 2013**. In the event the parties cannot agree on particular items, they shall include in the proposed order(s) brief statements of their respective positions.

The proposed order(s) must include detailed provisions regarding discovery, including e-discovery, insofar as is practicable at this time.

Case Management Order No. 1 remains in effect, subject to the minor modifications described herein.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.

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September 30, 2013

VIA ELECTRONIC MAIL

Honorable Cynthia M. Rufe
U.S. District Court for the Eastern District of PA
601 Market Street
Room 12614
Philadelphia, PA 19106

**Re: In Re: Effexor (Venlafaxine Hydrochloride) Products Liability Litigation
2:13-md-02458-CMR, MDL No. 2458**

Dear Judge Rufe:

As you know, PTO 1 requires several documents to be filed by Interim Liaison Counsel no later than October 1, 2013. Specifically, Interim Liaison Counsel are to file a Position Statement and one or more proposed Case Management Orders. While Your Honor has not entered an Order appointing Interim Liaison Counsel, I am the only attorney to apply for the position for Plaintiffs and Mark Cheffo is the only attorney to apply for the Defendants.

Last week Mark and I discussed with you the Joint Position Statement that Plaintiffs and Defendants have been working on. This afternoon Mark Cheffo and I missed each other on the telephone but exchanged emails. I was able to speak with Dianne Nast who has been working on the Position Statement for the Plaintiffs. Dianne informed me that she spoke with Mark and, while the Joint Position Statement is nearly complete, both sides need a few more days to complete the paper and circulate to the two constituencies. Likewise, we have not been able to finalize any proposed CMOs.

Despite our best efforts, it is clear that neither the Joint Position Paper nor any proposed CMOs will be ready to be delivered to Your Honor by the deadline set in PTO 1. Therefore, on behalf of both the Plaintiffs and the Defendants, I am writing to request a brief extension of time to deliver the Joint Position Statement and proposed Case Management Order(s). I believe a one week extension will be sufficient to complete our work on the required documents, and would suggest a revised deadline of October 8, 2013.

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September 30, 2013
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If a telephone conference is necessary, I am available in the morning on October 1. If an in person conference is necessary I can be available before or after my status conference with Judge Brody at 1:30 on October 1.

Respectfully submitted,



Stephen A. Corr

SAC:jb

cc: Mark Cheffo, Esquire (*via* email only)