

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

MARGARET P. TOURTELLOTTÉ, : CIVIL ACTION
et al. : :
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ELI LILLY AND COMPANY, et al. : NO. 09-cv-00774-JF

MEMORANDUM

Fullam, Sr. J.

May 19, 2010

My review of the docket in this case led me to believe that perhaps the attorneys were devoting excessive amounts of time and effort to the filing of motions. One issue frequently addressed was plaintiffs' apparent desire to pursue virtually unlimited discovery. More specifically, plaintiffs sought to obtain permission to depose 10 more people than had previously been deposed. In an effort to reduce the paperwork flow, I entered an Order, on April 28, 2010, prohibiting the filing of any further motions until after completion of discovery.

As I perhaps should have realized, this Order simply stirred up a further flurry of motion activities. Now before the Court is a letter-request from counsel for plaintiffs, seeking permission to obtain an exception to the April 29 Order so as to be able to pursue a motion to take discovery from more than 11 additional witnesses. In short, attempting to preclude excessive motion practice has simply set the stage for double the number of motions that would normally have been filed.

I have therefore concluded that counsel should be permitted to use their own judgment as to what motions to file, and when. I merely express the (perhaps vain) hope that counsel will restrain themselves, and pursue only motions which are truly necessary and which might be helpful in the resolution of this litigation. Paragraph 4 of the Order of April 28, 2010, will therefore be vacated.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.

