

**UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania**

Chambers of
LOWELL A. REED, JR.
Senior Judge

4001 United States Courthouse
Independence Mall West
601 Market Street
Philadelphia, PA 19106-1705
267-299-7590

October 5, 2010

To All Counsel:

Re: MDL 875 - Order of Mediator applicable to all cases assigned, adopting standard interrogatories to be deemed served by defendants upon plaintiffs' counsel and providing a protocol for management of the process for answering these interrogatories.

AND NOW, this 5th day of October, 2010, upon consideration of the parties' request for the Mediator's approval of their respective proposals for use of standard interrogatories addressed to plaintiffs for purposes of preparing for mediation of individual cases, and having found and concluded as follows:

1. The use of standard identical interrogatories to be addressed to all plaintiffs herein, the setting of deadlines for answering and the inclusion in plaintiffs' answers to all reasonably accessible information required to fairly answer the interrogatories, is necessary to the parties' analysis of the cases to prepare for and conduct a successful mediation of the assigned cases.
2. This Letter Order applies to all cases wherein plaintiff(s) are represented by the Cascino Vaughn Law Offices and assigned to this Mediator, at any time (as part of MDL 875) by the Honorable Eduardo C. Robreno.

3. The Mediator has received and reviewed the stream of communications between counsel for the parties, the two proposed versions of interrogatories and has concluded that the questions in each set are essentially similar, but that the set of interrogatories finally proposed by agreement of all parties is the so-called Wisconsin set of 36 numbered questions (8 pages), a copy of which was attached to a letter addressed to this Mediator from plaintiffs' counsel dated September 20, 2010.
4. Answering the interrogatories in all cases by **November 17, 2010** is a reasonable period of time, since the Mediator has accepted the date requested by plaintiffs' counsel.

NOW THEREFORE, it is hereby ORDERED that:

5. The interrogatories, a copy of which is attached hereto as Exhibit "A" and described in Paragraph 3 above, are approved by the Mediator and shall be deemed served as of **October 1, 2010**. No other interrogatories may be served without approval of the Mediator.
6. Each plaintiff represented by the Cascino Vaughn Law Office shall answer each of the interrogatories and serve answers upon the Mediator and all defendants herein no later than **November 17, 2010**. Objections shall not be made to any question or part thereof.
7. A plaintiff may answer all or a portion of any interrogatory by incorporating the contents of a sworn affidavit by the plaintiff or by plaintiff adopting a sworn affidavit of a person with the requisite personal knowledge, provided a legible copy of any such affidavit(s) shall be attached to the answers.

8. Any plaintiff who seeks to answer all or part of an interrogatory by incorporating the documents located in the document depository (IKON) as his or her answer thereto, shall describe such documents by subject and name of the author, whether a person, firm, trust or corporation.

Any answer which fails to comply with this requirement by answering; for example, “See IKON depository” or “see medical records” or similar superficial summary description does not comply with the terms this Letter Order.

9. Each plaintiff shall answer each question with the specificity required by the Federal Rules of Civil Procedure 33. To the extent a plaintiff, after reasonable efforts, asserts that he or she cannot answer or provide more detailed information, to all or any part of a question, the plaintiff shall explain the basis for failure to provide a more complete answer.

10. In lieu of a plaintiff’s signature to the answers, a signed certification to the accuracy of a plaintiff’s answers to the mediation interrogatories by plaintiff’s counsel of record will be adequate for purposes of mediation only. Before counsel certifies to the accuracy of the answers, plaintiffs’ counsel will contact the plaintiff or the witness and confirm the accuracy of the information forming the basis for all answers.

11. All disputes related to this Letter Order and compliance therewith shall initially be discussed with opposing counsel and resolved without notice to, or involvement of, the Mediator. Except that the substance of the resolution of all such disputes shall be reduced to writing and the resolution adopted by both disputants, with a copy

served upon the Mediator and all parties. The Mediator may approve, modify or reject all or any portion of any such written resolution. Any unresolved disputes shall be brought to the Mediator's attention in writing by the moving party no later than **December 9, 2010**, in the nature of a letter motion and agreed response schedule.

Sincerely,

/s/Lowell A. Reed, Jr.
LOWELL A. REED. JR.

LAR:sah