

Rule 1041.1.2* Diet Drug (Fen Phen) Litigation--Special Provisions

- (a) In accordance with Pennsylvania Rule of Civil Procedure 1042.1. Pennsylvania Rule of Civil Procedure 1041.1 (a) and (c) through (f) are applicable to actions to recover damages for injuries alleged to have been caused by the diet drugs know as "Fen-Phen."
- (b) The diet drug litigation in Montgomery County is governed by the Pennsylvania Rules of Civil Procedure and the Montgomery County Rules of Civil Procedure, except as follows:
 - (1) The Local Rules governing certification and listing of the cases for trial shall not apply. Settlement conferences are scheduled and cases are listed for trial by Order of Court.
 - (2) In addition to the requirements of the Pennsylvania Rules of Civil Procedure, and Local Rules 205.2(b) through 208.3 inclusive, 1028(c), 1034(a) and 1035.2(a), copies of motions, petitions, responses thereto and briefs, shall be served upon the appointed judicial officer assigned to complex litigation. The filing of an argument praecipe shall have the effect of commencing the briefing schedule but not of listing the case for argument, which shall be done by the Court with the assistance of the appointed judicial officer assigned to complex litigation.
 - (3) Local Rule 4019 pertaining to discovery masters shall not apply. When a discovery motion is at issue as provided by Local Rule 4019, counsel shall notify the appointed judicial officer assigned to complex litigation, who shall arrange for disposition of the matter by the Court of hear the motion and make recommendations to the Court, as the Court shall determine.
 - (4) Arguments are ordinarily listed only before the judge assigned to the diet drug litigation.
 - (5) The Court has established a master docket for use in this litigation, No. 04-00007. This docket is for Orders of general application to all the litigation or classes of cases within the litigation. It is not for the filing of motions of less than general application, and motions which have relevance to individual cases shall be filed under such individual case number, even if more than one case is involved. Upon the taking of an appeal by any party, if any Orders entered under the general number are relevant to the case on appeal, counsel shall, by praecipe, file a copy of the relevant document in the individual file.

Comments:

- 1. The Honorable Arthur R. Tilson is the judge assigned to the diet drug litigation.
- 2. The appointed judicial officer assigned to complex litigation is Donald J. Martin, Esquire, 22 West Airy Street, Norristown, Pennsylvania 19401-4769. Telephone: (610) 277-6772. Fax: (610) 277-4993.
- 3. Orders scheduling cases for trial and settlement conferences will ordinarily contain deadlines, including deadlines for the completion of discovery and for filing certain motions. These are completion deadlines. It is not necessary for a scheduling Order to issue for counsel to engage in earlier, appropriate, discovery and motion practice.

Editor's Note: Adopted March 4, 2005, effective 30 days after publication in the *Pennsylvania Bulletin*