

MASTER DOCKET NO. 2005-59499

In Re:  
Texas State Vioxx Litigation  
This Document Relates to All Cases

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IN THE DISTRICT COURT OF  
HARRIS COUNTY, T E X A S  
157<sup>th</sup> JUDICIAL DISTRICT

JUL 15 2005  
CHARLES B. ...  
DISTRICT CLERK  
HARRIS COUNTY, TEXAS  
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Order No. 1

On September 6, 2005, the Multidistrict Litigation Panel transferred fifty cases to this Court pursuant to Rule 13 of the Texas Rules of Judicial Administration. Subsequently, another seventy-nine cases have been transferred as Tag-along cases under Rule 13.5(e) of those same rules. The initially transferred cases, all subsequently transferred Tag-along cases, and all cases that will be transferred as Tag-along cases are referred to Transferred Cases.

An initial case management hearing was conducted on September 16, 2005 pursuant to Rule 13.6(c). Following that hearing, IT IS ORDERED:

1. The Court has assigned a Master Docket No. 2005-59499 for the Texas State Vioxx Litigation. Any order in the Master Docket shall apply to all Transferred Cases. When filed papers relate to all cases, the Master Docket number shall be used with the style and caption used with this order. If filed papers relate only to a particular action, those papers shall only bear the caption for that case with a designation of the Trial Court, for example:

CAUSE NO. \_\_\_\_\_

Breshears, et al.  
  
v.  
  
Merck & Co., Inc.

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IN THE DISTRICT COURT OF  
HARRIS COUNTY, T E X A S  
157<sup>th</sup> JUDICIAL DISTRICT  
(Trial Court: 288<sup>th</sup> Dist. Court of  
Bexar County, Cause No. 2005-  
CI-07184)

2. Notice Counsel for the Plaintiff's group is Kenneth Thomas Fibich. Notice Counsel for Defendant Merck is Richard L. Josephson. Notice Counsel for the non-Merck defendants is Thomas Scott Allen. The attached Appendix A provides contact information for Notice Counsel. Notice Counsel are authorized to receive orders and notices from the Court and shall be responsible for the preparation and transmittal of copies of such orders and notices to the parties in their respective groups.

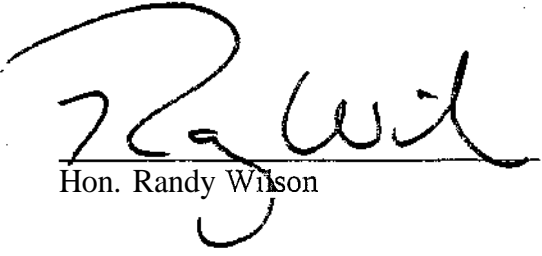
3. Defendants motion to quash depositions is granted with respect to depositions scheduled for the next two weeks.

4. The Court will allow counsel to appear at future hearings via teleconference, provided that all arrangements for calls are made by and through counsel. The Court will not originate any telephone conferences from the bench. The principle speakers for any hearing are strongly encouraged to appear in person.

5. The terms of this Order No. 1 will apply automatically to actions later instituted in or transferred to this Court.

6. Counsel for all sides are ordered to confer to attempt to reach an agreed case management order. The next hearing will be held on October 3, 2005 at 1:30 p.m. for the purpose of entering a case management order.

Signed September 19, 2005.



Hon. Randy Wilson

**Appendix A  
Notice Counsel**

**Plaintiffs Counsel:**

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**Non-Merck Defendants' Counsel:**

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CHARLES W. HARRIS  
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