
IN RE: BAYCOL
LITIGATION IN PHILADELPHIA COURT
OF COMMON PLEAS

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

NOVEMBER TERM, 2001
NO. 00001

**STIPULATION AND ORDER
(REGARDING SERVICE OF ORIGINAL PROCESS ON BAYER AG)**

The undersigned, Liaison Counsel for Plaintiffs, each plaintiff's counsel who signs this Stipulation in counterpart, and counsel for defendant Bayer AG, stipulate as follows:

I. Scope of This Stipulation and Order

This Stipulation and Order applies to all actions that are part of a program of coordinated pretrial proceedings relating to the drug, cerivastatin ("Baycol"), in the Philadelphia Court of Common Pleas (the "Coordinated Actions"). Further, to the extent that the undersigned counsel for plaintiffs are prosecuting actions against Bayer AG in other jurisdictions, the parties agree to be bound by the provisions of this Stipulation in those other cases.

II. Alternative Service on Bayer AG

To eliminate disputes over service of original process, to assure a consistent manner of service upon Bayer AG, and to reduce the expense of such service, Defendant Bayer AG agrees to accept service of original process of Writs of Summons and Short Form Complaints for Baycol cases filed in the Coordinated Actions through service, by Registered Mail, Return Receipt Requested, upon the following:

Ms. Lydia Schulze Althoff
Bayer AG
Rechtsabteilung/Legal Department
Geb. Q26, D-51368 Leverkusen, Germany.

Service will be effective only if addressed as above. General mailing to Bayer AG will not be sufficient to effect service. Service will be considered effected ten days after mailing.

Contemporaneous with mailing of process to Bayer AG, plaintiffs shall provide notice of service, by first class mail, to the following:

Daniel Orie, Esquire
Eckert Seamans Cherin & Mellott, LLC
USX Tower, 44th Floor
600 Grant Street
Pittsburgh, PA 15219.

Bayer AG reserves all other rights available to it under federal or state law and under applicable treaties and conventions.

III. Deadlines for Responsive Pleading

Bayer AG's responsive pleadings to any original process served pursuant to the mechanism described in Section II above, shall be due 120 days after service of the Writ of Summons or Short Form Complaint.

IV. Discovery of Bayer AG

1. **Master Written Discovery.** Bayer AG's Responses to Plaintiffs' Master Interrogatories and Master Requests for Production of Documents, Exhibits "A" and "B" to Discovery Order 1, shall be served on or before June 1, 2002.

2. **Document Production.** Bayer AG will commence production of documents on July 1, 2002, and will produce documents on a rolling basis with all document production completed no later than March 31, 2003.

3. **Privilege Logs.** Bayer AG will produce privilege logs pursuant to the following schedule:

(a) On or before September 16, 2002, Bayer AG will produce privilege logs for all documents produced between July 1 and August 1, 2002;

(b) On or before December 16, 2002, Bayer AG will produce privilege logs for all documents produced between August 2 and November 1, 2002;

(c) On or before March 17, 2003, Bayer AG will produce privilege logs for all documents produced between November 2, 200 and February 1, 2002; and

(d) On or before June 1, 2003, Bayer AG will produce privilege logs for all documents produced after February 1, 2003.

4. **Depositions.**

(a) Any depositions of Bayer AG witnesses shall be conducted after November 1, 2002.

(b) Plaintiffs in these Coordinated Actions agree that any such depositions shall be coordinated with all other pending, United States Baycol litigation, state and federal.

(c) The parties agree that any such depositions shall be conducted with a U.S. court reporter (or such other court reporter as the parties may agree). Those depositions shall be video-taped. The parties will confer in an attempt to agree on joint translators prior to each deposition if such deposition is conducted in German on the request of the witness.

BY THE COURT:

Dated: 6/15/02



ACKERMAN, J.

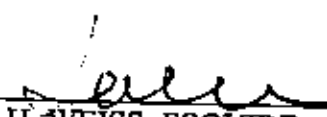
COUNSEL FOR DEFENDANT BAYER AG:

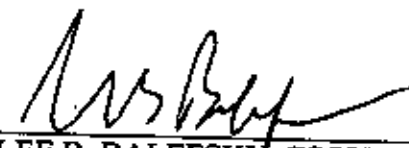
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MELLOTT, LLC

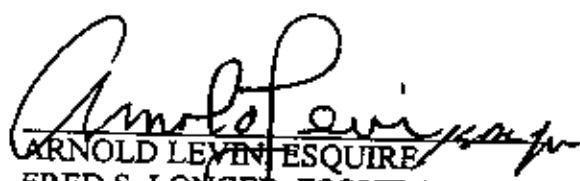
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