

TRANSCRIPT

The complete transcript has been, or will shortly be, lodged of record.

/s/ John K. Weston

JOHN K. WESTON

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons and in the manner indicated below which service satisfies the requirements of Pa.R.A.P. 121:

Service by first class mail addressed as follows:

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Dated: February 27, 2009

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Linda Meashey, individually and on
behalf of others similarly situated.
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IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PHILADELPHIA
CIVIL TRIAL DIVISION

GREGORY CLARK and LINDA
MEASHEY,

Plaintiffs,

v.

PFIZER INC, and WARNER-LAMBERT
COMPANY, LLC,

Defendants.

June Term 2004

No. 1819

Commerce Program

Control Nos. 061293/061291

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PURSUANT TO R.C.P. 236(b)

FEB 9 - 2009

FIRST JUDICIAL DISTRICT OF PA

DOCKETED

FEB 9 2009

CIVIL ADMINISTRATION

ORDER

AND NOW, this 4th day of February 2009, upon consideration of

Defendants Motion for Summary Judgment and Motion for Decertification, all responses in opposition and in accord with the attached Opinion, it hereby is **ORDERED** as follows:

1. Summary Judgment is **granted** on plaintiffs' class claims for breach of warranty.
2. Summary Judgment is **granted** as to all class claim as to members of the class who actually benefited from off label use of Neurontin.
3. All other aspects of the Motion for Summary Judgment are **denied**.
4. The Motion for Class Decertification is **granted**.
5. Trial scheduled for March 9, 2009 shall proceed as individual claims unless a continuance is requested in light of these rulings.

BY THE COURT,

Clark Etal Vs Pfizer In-ORDOP



04060181900261


MARK I. BERNSTEIN, J.

Civil Docket Report

Case Description

Case ID: 040601819
Case Caption: CLARK ETAL VS PFIZER INC ETAL
Filing Date: Friday , June 18th, 2004
Court: CL - CLASS ACTION
Location: CH - City Hall
Jury: J - JURY
Case Type: C1 - CLASS ACTION
Status: CLLTR - LISTED FOR TRIAL

Related Cases

No related cases were found.

Case Event Schedule

Event	Date/Time	Room	Location	Judge
MOTION ASSIGNED	09-OCT-2007 09:00 AM	City Hall	Courtroom 246 City Hall	BERNSTEIN, MARK
TRIAL DATE CERTAIN	09-MAR-2009 09:30 AM	City Hall	Courtroom 246 City Hall	BERNSTEIN, MARK

Case Parties

Seq #	Assoc	Expn Date	Type	ID	Name
1			TEAM LEADER	J326	BERNSTEIN, MARK
Address:	530 CITY HALL PHILADELPHIA PA 19107 (215)686-7335		Aliases:	none	
2			ATTORNEY FOR PLAINTIFF	A26314	WESTON, JOHN K
Address:	SACKS & WESTON 114 OLD YORK ROAD		Aliases:	none	

11:21 AM	TRIAL			11:21 AM
Docket Entry:	<i>none.</i>			
20-DEC-2008 12:01 AM	CLNGV - NOTICE GIVEN			20-DEC-2008 12:01 AM
Docket Entry:	<i>none.</i>			
06-FEB-2009 11:18 AM	ORDER - ORDER ENTERED/236 NOTICE GIVEN	BERNSTEIN, MARK		06-FEB-2009 11:20 AM
Docket Entry:	92-08061292-UPON CONSIDERATION OF DFTS' MOTION FOR SUMMARY JUDGMENT FOR CLAIMS FOR PURCHASES AFTER MAY 2004 AND ALL RESPONSES IN OPPOSITION IT HEREBY IS ORDERED THAT THE MOTION FOR SUMMARY JUDGMENT IS DENIED. (RETRACTIONS OR PUBLICITY OF FRAUDULENT ACTIVITY CANNOT AS A MATTER OF LAW BE DEEMED TO HAVE NULLIFIED ALL CONTINUING EFFECT). BY THE COURT...BERNSTEIN J 2/4/09			
09-FEB-2009 02:00 PM	ORDOP - ORDER AND OPINION FILED	BERNSTEIN, MARK		09-FEB-2009 02:00 PM
Docket Entry:	91-08061291-SEE ORDER AND OPINION DOCKETED UNDER CONTROL NO 061293			
09-FEB-2009 02:00 PM	ZR236 - NOTICE GIVEN UNDER RULE 236			09-FEB-2009 02:00 PM
Docket Entry:	<i>none.</i>			
09-FEB-2009 02:03 PM	ORDOP - ORDER AND OPINION FILED	BERNSTEIN, MARK		09-FEB-2009 02:06 PM
Docket	93-08061293 AND 91-08061291-UPON CONSIDERATION OF DFTS MOTION FOR SUMMARY JUDGMENT AND MOTION FOR DECERTIFICATION ALL RESPONSES IN OPPOSITION AND IN ACCORD WITH THE ATTACHED OPINION IT HEREBY IS ORDERED AS FOLLOWS: 1. SUMMARY JUDGMENT IS GRANTED ON PLFS' CLASS CLAIMS FOR BREACH OF WARRANTY. 2. SUMMARY JUDGMENT IS GRANTED AS TO ALL CLASS CLAIM AS TO MEMBERS OF THE CLASS			

Entry: WHO ACTUALLY BENEFITED FROM OFF LABEL USE OF NEURONTIN. 3. ALL OTHER ASPECTS OF THE MOTION FOR SUMMARY JUDGMENT ARE DENIED. 4. THE MOTION FOR CLASS DECERTIFICATION IS GRANTED. 5. TRIAL SCHEDULED FOR MARCH 9 2009 SHALL PROCEED AS INDIVIDUAL CLAIMS UNLESS A CONTINUANCE IS REQUESTED IN LIGHT OF THESE RULINGS. BY THE COURT...BERNSTEIN J 2/9/09				
09-FEB-2009 02:03 PM	ZR236 - NOTICE GIVEN UNDER RULE 236			09-FEB-2009 02:06 PM
Docket Entry:	<i>none.</i>			