

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	MDL No. 1456
_____	)	Master Case No. 01-12257-PBS
	)	
THIS DOCUMENT RELATES TO:	)	
ALL ACTIONS	)	
_____	)	

**CASE MANAGEMENT ORDER NO. 35**

November 4, 2008

Saris, U.S.D.J.

1. To facilitate case management in the complex and unwieldy MDL 1456 docket, which now has over 5300 docket entries, the Court has established subcategory cases with corresponding dockets. A master docket will continue to be maintained under the docket number 01-cv-12257. All future submissions by the parties and rulings by the Court will appear in both the subcategory docket and the master docket.

2. To accomplish this goal, a party shall docket a submission in the master docket, and then docket a duplicate entry in the appropriate subcategory case. The docket entry on the subcategory docket shall include reference to the document number for the same filing in the master docket. Parties must also caption their pleadings to reflect the related case name and corresponding subcategory case number. It is important to remember that the subcategory case dockets are for case

management purposes **only**, and the master docket (01-cv-12257) is the official docket for MDL 1456.

3. To facilitate the use of the subcategory dockets for case management, the parties shall, by stipulation, identify ALL documents previously filed in the master docket that should also be reflected in each subcategory docket. This stipulation is due within 30 days, but no later than December 4, 2008.

4. The subcategory cases are as follows:

01-12257	All submissions in the class actions.
03-10643	All New York County cases related submissions.
06-11337	All Ven-A-Care cases related submissions.
07-12141	All State of Iowa case related submissions.
08-10575	All State of Utah case related submissions.
06-12299	All Ortho-McNeil case related submissions.
06-11069	All State of Arizona case related submissions.
06-11883	All State of South Carolina case related submissions.
06-12162	All State of Nevada case related submissions.

5. The New York County subcategory case docket is to be used for submissions relating to:

03-10643	(Suffolk)
04-12264	(New York)
04-10322	(Westchester)
03-12347	(Rockland)
05-12408	(Dutchess)
05-11369	(Putnam)
05-11180	(Washington)
05-11181	(Rensselaer)
05-11182	(Albany)
05-11183	(Warren)
05-11184	(Greene)
05-11185	(Saratoga)
05-12392	(Columbia)
05-12393	(Essex)
05-11186	(Chenango)
05-11187	(Broome)
05-10599	(Onondaga)

05-11188 (Tompkins)  
05-11189 (Cayuga)  
05-11703 (Madison)  
05-12394 (Cortland)  
05-11190 (Herkimer)  
05-11191 (Oneida)  
05-11368 (Fulton)  
05-11192 (St. Lawrence)  
05-11704 (Jefferson)  
05-12395 (Lewis)  
05-11193 (Chautauqua)  
05-11194 (Allegany)  
05-11195 (Cattaraugus)  
05-11370 (Genesee)  
05-11196 (Wayne)  
05-11197 (Monroe)  
05-11198 (Yates)  
05-11578 (Niagara)  
05-12409 (Seneca)  
05-12410 (Orleans)  
05-12411 (Ontario)  
05-12412 (Schuyler)  
05-11371 (Steuben)  
05-10179 (Nassau)  
06-11338 (Ulster)  
06-12163 (Wyoming)  
06-12164 (SEALED)  
07-10879 (Orange)

6. The Ven-A-Care subcategory case docket is to be used  
for submissions relating to:

06-11337 Ven-A-Care of the Florida Keys v. Abbott Labs,  
Inc.  
05-11084 Ven-A-Care of the Florida Keys v. Dey, Inc.  
07-10248 Ven-A-Care of the Florida Keys v. Boehringer  
Ingelheim  
03-11226 California ex rel. Ven-A-Care of the Florida Keys  
v. Abbott Labs, Inc.  
07-11618 Ven-A-Care of the Florida Keys v. Abbott Labs,  
Inc.

7. The South Carolina subcategory case docket is to be used  
for submissions relating to:

06-11883 South Carolina v. Abbott Labs, Inc.  
07-10290 South Carolina v. Dey  
07-10293 South Carolina v. Dey

8. As new cases are transferred by the multi-district panel, the Court will issue a notice requiring counsel to identify, within 14 days, whether the new case should be placed into an existing subcategory or whether a new subcategory should be established. For the time being, the order is prospective. However, if resources become available, the Court will review past docket entries in the master docket, as listed in the stipulation, to place them into the subcategory docket. Suggestions are welcome to make this MDL more accessible to all. For example, the Court would appreciate counsel's views on the desirability of a separate MDL website. Please call my Docket Clerk, Christine Patch, 617-748-9178, if there are any questions.

9. All submissions that reference pleadings shall have docket numbers for the master docket and subcategory docket.

**S/PATTI B. SARIS**  
United States District Judge