

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE: : MDL DOCKET NO. 1724
VIAGRA PRODUCTS LIABILITY : Judge Paul A. Magnuson
LITIGATION

This document relates to:

Bernie Weithman,

Case No. 07-CV-2242 (PAM)

v.

Pfizer Inc.

ORDER TO SHOW CAUSE

This matter came before the Court on December 16, 2008 on Defendant Pfizer Inc.'s ("Pfizer") request for an Order to Show Cause why Plaintiff Bernie Weithman's ("Plaintiff") complaint should not be dismissed for failing to comply with the Court's June 30, 2006 Scheduling Order Relating to Phase I of Discovery ("Scheduling Order").

Plaintiff filed suit against Pfizer on May 9, 2007, by directly filing his complaint in the MDL captioned *In re Viagra Products Liability Litigation*.

Plaintiff has failed to produce a completed Plaintiff's Fact Sheet as required by the Court's Scheduling Order. Pfizer sent a copy of the Court's Scheduling Order and a Fact Sheet to Plaintiff on July 27, 2007 and the Fact Sheet was due to be returned on October 25, 2007. On November 2, 2007, Pfizer sent to Plaintiff a warning letter requesting that the Fact Sheet be completed and sent with signed medical authorizations no later than

December 2, 2007. On December 17, 2007, Pfizer sent to Plaintiff a second warning letter requesting that the Fact Sheet be completed and sent with signed medical authorizations no later than November 1, 2008. As of December 16, 2008, Pfizer has not received a Fact Sheet or medical record authorizations from Plaintiff in violation of the Scheduling Order.

Therefore, based upon the facts presented, it is hereby ordered that:

1. Plaintiff Bernie Weithman has 45 days from the date of this Order to comply with the Scheduling Order by producing to Pfizer a completed Plaintiff's Fact Sheet and medical record authorizations.

2. If such production is not made within this time period or Plaintiff does not otherwise present to the Court reasonable cause for his delay in complying with the Scheduling Order, Plaintiff's case will be dismissed with prejudice.

Dated: Tuesday, December 16, 2008

s/ Paul A. Magnuson
Paul A. Magnuson
United States Senior District Judge