

**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:

Bruce Choyce,

Case No. 06-CV-3877 (PAM)

v.

Pfizer Inc, et al.

**SECOND 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 Bruce Choyce'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 Inc and certain of its former officers on February 28, 2006 in the Superior Court for the County of Alameda, California. The case was removed to the United States District Court for the Northern District of California on August 7, 2005. Plaintiff's case was transferred to this MDL on October 16, 2006.

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 October 20, 2006 and the Fact Sheet was due to be returned on

January 18, 2007. On February 8, 2007, Pfizer sent to Plaintiff a warning letter requesting that the Fact Sheet be completed and sent with signed medical authorizations no later than March 8, 2007. As of December 16, 2008, Pfizer has not received a Fact Sheet or medical record authorizations from Plaintiff in violation of the Scheduling Order.

The Court first issued an Order to Show Cause dated December 18, 2007. Plaintiff has not responded to that Order by producing a Fact Sheet or medical record authorizations.

Therefore, based upon the facts presented and argument at the Status Conference of December 16, 2008, it is hereby ordered that:

1. Plaintiff Bruce Choyce 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: Wednesday, December 17, 2008

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