

**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:

Herbert Smith, Case No. 08-CV-1424 (PAM)

v.

Pfizer Inc.

ORDER TO SHOW CAUSE

This matter came before the Court on May 27, 2009 on Defendant Pfizer Inc.'s ("Pfizer") request for an Order to Show Cause why Plaintiff Herbert Smith'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 27, 2008 in the United States District Court for the District of Minnesota, and the case was assigned to this MDL on the same day.

Plaintiff has failed to produce a properly 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 September 15, 2008, and Plaintiff failed to serve a completed Fact Sheet by the deadline of December 15, 2008. On December 22, 2008,

Pfizer sent to Plaintiff a warning letter advising Plaintiff that his Fact Sheet was overdue and asking him to submit a Fact Sheet by January 22, 2009. When Plaintiff again failed to submit a Fact Sheet, Pfizer sent a second warning letter on March 20, 2009 asking him to submit a Fact Sheet by April 20, 2009. To date, Plaintiff has not submitted a Fact Sheet in violation of the Scheduling Order.

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

1. Plaintiff Herbert Smith has 45 days from the date of this Order to comply with the Scheduling Order by producing to Pfizer a fully completed Plaintiff's Fact Sheet.
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: Thursday, May 28, 2009

s/ Paul A. Magnuson

Paul A. Magnuson
United States Senior District Judge

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