



IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ZOLOFT LITIGATION

Civil Action No. 14-C-7000

THIS DOCUMENT APPLIES TO ALL CASES

ORDER REGARDING PLAINTIFFS' EXPERT, ADAM C. URATO, MD,

The Court has reviewed *Plaintiffs' Expedited Motion to Modify The Court's Earlier Ruling Regarding Plaintiffs' Expert, Adam C. Urato, MD, and Motion for Protection and for Leave to Designate a Replacement Expert* (Transaction ID 59456773) as well as Defendants' response in opposition to the motion (Transaction ID 59448366). Plaintiffs state Adam C. Urato, M.D. was going to be their key liability expert, but "[b]ased upon extremely private information provided to Plaintiffs' counsel, Dr. Urato will not be medically able to sit for an expert deposition by August 29th or anytime in the coming months." Mot. at 1, 2.

To properly consider the basis of Plaintiffs' motion, the Court holds the motion in abeyance, and **ORDERS** Plaintiffs' counsel, *no later than September 7, 2016*, to file under seal and e-serve only private on the Presiding Judges and the Mass Litigation Manager an affidavit from Adam C. Urato, M.D.'s treating physician containing, at a minimum, the following information:

1. a detailed, medical diagnosis for Adam C. Urato, M.D.'s medical condition, along with the diagnostic medical code for the diagnosis;
2. the treating physician's affirmation that, in his medical opinion, Adam C. Urato, M.D. is not medically able to sit for an expert deposition at this time, or anytime in the coming months; and
3. the date on which Adam C. Urato, M.D.'s medical condition was first communicated to Plaintiffs' counsel.

Failure to provide the Court with the affidavit will result in denial of Plaintiffs' motion.

It is so ORDERED.

ENTER: August 31, 2016.

/s/ James P. Mazzone
Lead Presiding Judge
Zoloft Litigation