



UNIVERSITY OF CINCINNATI, et al. :

Defendants :

The parties, by and through their respective counsel of record, in the above-entitled action hereby stipulate as follows:

1. Pretrial Consolidation. The above-captioned cases are, until further order, consolidated for pretrial purposes. This Order does not constitute a determination that these actions should be consolidated for trial, nor does it have the effect of making any entity a party to an action in which it has not been joined and served in accordance with the Federal Rules of Civil Procedure. However, by this consolidation, Plaintiffs agree to prosecute all actions cooperatively.

a. Master Docket and File. The Clerk will maintain a master docket and case file under the style "In re Cincinnati Radiation Litigation," Master File Number No. C-1-94-126. All orders, pleadings, motions, and other documents will, when filed and docketed in the master case file, be deemed filed and docketed in each individual case to the extent applicable.

b. Captions; Separate Filing. Orders, pleadings, motions and other documents will bear a caption similar to that of this Order. If generally applicable to all consolidated actions, they shall include in their caption the notation that they relate to "ALL CASES" and be filed and docketed only in the master file. Documents intended to apply only to particular cases will indicate in their caption the case number of the

case(s) to which they apply, and extra copies shall be provided to the Clerk to facilitate filing and docketing both in the master file and the specific individual case files.

2. Organization of Plaintiffs' Counsel.

a. Plaintiffs' Litigation Committee. The Court designates the following firms to serve as members of the Plaintiffs' Litigation Committee.

Robert B. Newman  
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b. Responsibilities of Plaintiffs' Litigation Committee. The Plaintiffs' Litigation Committee shall have the following responsibilities.

(1) To brief and argue motions for the Plaintiffs and file opposing briefs in proceedings initiated by other parties;

- (2) To initiate and conduct discovery proceedings;
- (3) To file an amended consolidated complaint;
- (4) To file a motion for class certification;
- (5) To act as Plaintiffs' spokespersons at pretrial conferences and to consult with Plaintiffs' counsel on matters of common concern;
- (6) To call meetings of Plaintiffs' counsel when appropriate and to confer with all Plaintiffs' counsel to accommodate their concerns;
- (7) To conduct pre-trial, trial, and post-trial proceedings;
- (8) To consult with and employ experts;
- (9) To coordinate and communicate with Defendants' counsel with respect to the matters addressed in this paragraph;
- (10) To negotiate settlements, subject to Court approval, on behalf of Plaintiffs;
- (11) To perform such other duties and undertake such other responsibilities as they deem necessary or desirable;
- (12) To provide general coordination of activities of counsel of their side and to delegate work responsibilities to selected counsel as may be required;
- (13) To share in the expenses necessary for the effective prosecution of the actions;

(14) To receive and review periodic time and expense reports of all lawyers acting on behalf of the Plaintiffs and the class they seek to represent, in order to avoid unreasonable duplication of effort or costs; and

(15) To perform all tasks reasonably necessary to carry out the functions of the Plaintiffs' Litigation Committee.

All activities initiated by Plaintiffs' counsel shall be coordinated through the Plaintiffs' Litigation Committee.

c. Plaintiffs' Subcommittees. The Plaintiffs' Litigation Committee may designate subcommittees to perform services on behalf of plaintiffs and may designate additional plaintiffs' counsel to serve on such subcommittees, in order to conduct the work of the case, including but not limited to legal research, law and motion, discovery, development of expert evidence, trial and post-trial proceedings.

d. Plaintiffs' Liaison Counsel. The Court designates David P. Kamp, White, Getgey & Meyer Co., L.P.A., 1700 Central Trust Tower, One West Fourth Street, Cincinnati, Ohio 45202, (513) 241-3685, fax (513) 241-2399, to serve as Liaison Counsel for Plaintiffs herein. Liaison Counsel's duties shall be limited to acting as a liaison for the Plaintiffs' Litigation Committee for communications, correspondence and pleadings relating to this case. Service of pleadings, motions or papers upon Liaison Counsel shall constitute adequate service on each of the Plaintiffs herein; provided, however, that in the event that any pleading, notice or other paper is directed to

particular Plaintiffs, such pleading, motion or other paper shall also be served on the Plaintiff to whom it is particularly directed. Liaison Counsel's duties and authority are limited to the communication functions set out above.

3. Organization of Defendants' Counsel.

a. Liaison Counsel for All Defendants Except for the City of Cincinnati.

The Court designates R. Joseph Parker, Taft, Stettinius & Hollister, 1800 Star Bank Center, 425 Walnut Street, Cincinnati, Ohio 45202-3957, (513) 381-2838, fax (513) 381-0205, to serve as Liaison Counsel for Defendants: Eugene L. Saenger, M.D.; University of Cincinnati, including its colleges and hospital; James G. Kereiakes, Ph.D.; Children's Hospital; Bernard S. Aron, M.D.; Edward B. Silberstein, M.D.; Harry Horwitz, M.D.; Harold Perry, M.D.; and B.I. Friedman, M.D. ("Joint Defendants' Group," collectively). Liaison Counsel's duties shall be limited to acting as a liaison for the Joint Defendants Group for communications, correspondence and pleadings, relating to this case. Accordingly, service of pleadings, motions and other papers upon Liaison Counsel shall constitute adequate service on each of the above individual defendants; provided, however, that in the event that any such pleading, motion or paper is directed to particular individual defendants, it also shall be served on the defendant(s) to whom that pleading, motion or paper is particularly directed. Liaison Counsel's duties and authority are limited to the communication functions set out above.

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Trial Attorney for Plaintiff in C-1-94-179

**AGREED:**

**DEPENDANTS' COUNSEL**

**LEE FISHER, Attorney General**

**Sidney Weil, Special Counsel to the Attorney General**

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Trial Attorney for Defendants The University of Cincinnati, its colleges and hospital

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Trial Attorney for Defendant B.I. Friedman, M.D.