

PUBLISHED

Filed: May 13, 2004

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

CHARLESTON AREA MEDICAL CENTER,
INCORPORATED,

Plaintiff-Appellee,

and

ST. PAUL FIRE & MARINE
INSURANCE COMPANY,

Intervenor/Plaintiff,

v.

PARKE-DAVIS, a division of Warner
Lambert; PFIZER, INCORPORATED, its
successor by merger,

Defendants-Appellants,

v.

DANNY A. RADER, MD; TERRI MILES,
RN; JOHN/JANE DOE, MD; JANE DOE,
R.N.; JOHN/JANE DOE, Pharmacist;
JOHN/JANE DOE, Pharmacy
Technician; JOHN DOE,
Agency/Corporation,

Third Party Defendants.

No. 02-2264

CHARLESTON AREA MEDICAL CENTER,
INCORPORATED,

Plaintiff-Appellant,

and

ST. PAUL FIRE & MARINE
INSURANCE COMPANY,

Intervenor/Plaintiff,

v.

PARKE-DAVIS, a division of Warner
Lambert; PFIZER, INCORPORATED, its
successor by merger,

Defendants-Appellees,

No. 02-2303

DANNY A. RADER, MD; TERRI MILES,
RN; JOHN/JANE DOE, MD; JANE DOE,
R.N.; JOHN/JANE DOE, Pharmacist;
JOHN/JANE DOE, Pharmacy
Technician; JOHN DOE,
Agency/Corporation,

Third Party Defendants.

ORDER

After our order had been entered referring this case to the West Virginia Supreme Court of Appeals, a question has arisen as to whether or not Parke-Davis and Pfizer, the drug companies involved, have been released because of the settlement agreement and order in the settlement proceeding entered July 15, 1998 in the West Virginia State Court.

Accordingly, we request the West Virginia Supreme Court of Appeals to defer action on our order of reference so that we may remand the case to the United States District Court from which the

appeal was taken for the limited purpose of examining the question of whether or not Parke-Davis and Pfizer have been or have not been so released.

A reply from the West Virginia Supreme Court of Appeals is respectfully requested at its convenience.

With the concurrences of Judge Wilkinson and Judge Niemeyer.

/s/ H.E. Widener, Jr.
For the Court