

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: AVANDIA MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION	:	
	:	
	:	MDL No. 1871
	:	07-md-01871

THIS DOCUMENT APPLIES TO: ALL ACTIONS	:
	:
	:

PRETRIAL ORDER NO. 11

AND NOW, this 24th day of June 2008, upon consideration of Joint Report No. 2 [Doc. No. 145], and after a status conference held on June 20, 2008, with the parties' steering committees and Liaison Counsel, the Court hereby enters the following Order to govern further proceedings in this MDL, in conjunction with the rules set forth in prior Orders not explicitly altered or modified by the terms of this or other Order.

1. DISCOVERY.

A. DISCOVERY PLAN AND SCHEDULE. The parties have submitted proposed discovery plans and schedules which differ in several significant respects. The matter of overseeing the efforts of the parties to frame a comprehensive discovery plan and pretrial schedule in this MDL is hereby **REFERRED** to the Special Discovery Master, pursuant to the procedures set forth in Pretrial Order No. 8 [Doc. No. 136]. Upon issuance of this Order, the Special Discovery Master will communicate with counsel for the parties and allow for briefing and argument on all related issues as he sees fit. The Special Discovery Master will provide a report to the Court on this matter on or before July 10, 2008.

i. SUMMARY OF RELEVANT DECISIONS. Counsel for Defendant will

submit to the Court a summary of rulings in other MDL cases that may be relevant to particular scheduling questions raised by the parties on or before July 10, 2008.

2. MOTIONS TO REMAND. Motions to remand are pending in numerous cases that have been or are anticipated to be transferred into this MDL. Counsel for the parties will jointly submit a report and proposed pretrial order setting forth a schedule for all necessary briefing and oral argument, as appropriate, on the motions to remand. The parties shall submit the report and proposed order on or before July 10, 2008.

3. MULTIPLE-PLAINTIFF COMPLAINTS. The parties have reached certain agreements regarding the ongoing need for plaintiffs to be able to file multi-plaintiff complaints in accordance with Pretrial Order No. 4 (PTO-4). Counsel have also identified new and material information related to the necessity for severance in certain cases pursuant to PTO-4. Accordingly, on or before July 2, 2008, counsel will jointly submit to the Court a stipulation regarding the potential suspension of certain aspects of PTO-4, and a revised report and proposed order regarding any severance presently required under PTO-4.

4. PLAINTIFFS STEERING COMMITTEE. In Pretrial Order No. 1, the Court appointed the Plaintiffs Steering Committee (“PSC”), leaving open two positions for future appointments as necessary. [Doc. No. 108]. At the status conference on June 20, 2008, the Court notified counsel that it is considering filling one of the two remaining positions on the PSC. Plaintiffs Liaison Counsel put forth Karen Menzies, Esq., as a candidate for the position, and the PSC voiced its support for her appointment, as did other plaintiffs counsel. No objections were raised. Plaintiffs counsel are hereby granted until June 30, 2008, to file an objection of record to the PSC application of Karen Menzies, after which time the Court will consider the application submitted.

5. ECF REGISTRATION. The Court has directed Plaintiffs Liaison Counsel to reiterate to all plaintiffs counsel that they are required to register to use ECF, the electronic filing and docketing system of the Eastern District of Pennsylvania, forthwith, pursuant to Case Management Order No. 1 and the policies and procedures of this Court and this District. Any plaintiffs counsel who remains unregistered at the time of the next status conference should be prepared to come personally before the Court to explain their failure to comply with this requirement at a time to be determined by the Court.

6. NEXT STATUS CONFERENCE. The next status conference in this MDL is currently scheduled to be held on July 17, 2008. On or before June 30, 2008, at 10:00 a.m., counsel may jointly propose an alternative date for the status conference, close in time to the current date, in the interest of attorney convenience. Moreover, counsel may jointly report their views on the need for the Court to hold a status conference in July, 2008, given continued progress in the various outstanding aspects of this MDL.

It is so **ORDERED.**

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.