



discovery in this litigation pursuant to 28 U.S.C. § 1407, Fed.R.Civ.P. 16 and Fed.R.Civ.P. 26(b), and the Court's inherent authority regarding case-specific discovery in the MDL.

**2. *Claimants Affected By This Order.*** This Order applies to all claims pending before this Court under MDL 1871. This includes cases originally transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to its Order of October 16, 2007 or as tag-along actions, and all related cases originally filed in this Court or transferred or removed to this Court. This Order also applies to all cases tolled pursuant to Tolling Agreements entered into between plaintiffs' counsel and GSK.

**3. *Discovery Affected By This Order.*** This Order applies to the procurement of information and materials from entities (including, but not limited to, physicians, healthcare providers, pharmacies, educational facilities, former and present employers, insurance providers, all branches of the military and any other federal, state and/or local government agencies) relating to claimants referred to in Paragraph 2 above.

**4. *Duty To Accept Court-Approved Authorization To Release Medical Records And Employment Records.*** The Authorization Forms attached to this Order are HIPAA compliant and have been approved for use in all claims affected by this Order. Accordingly:

- (a) All physicians, healthcare providers, pharmacies, pharmacy benefits managers ("PBM"), educational facilities, former and present employers, insurance providers, all branches of the military, any federal, state, and/or local government agencies, or any other entity asked to produce records relating to a plaintiff or employee (all referred to as "Entities") shall accept the Authorization Forms as valid for all claims affected by this Order;
- (b) Entities may not request or insist upon different forms or terms different from the Authorization Forms;
- (c) When signed by a patient or employee and plaintiff in claims affected by this Order, the Authorization Forms shall be relied upon by all Entities to authorize the release of all records, including all medical and psychiatric records;
- (d) No facility-specific or different form shall be necessary for production of any records relating to a current or former patient or employee;
- (e) A photocopy or .pdf image of the Authorization Forms shall be accepted;
- (f) No original signatures shall be required on the Authorization Forms for production of any records relating to a current or former patient or employee;
- (g) Any Authorization Form dated after October 16, 2007, shall be effective for production of any records relating to a current or former patient or employee and no differently dated Authorization shall be necessary or

requested by the Entities;

- (h) Entities may not impose any waiting period for the production of records; and
- (i) Entities may not condition the release of requested records upon the payment of unreasonable “processing” or “handling” fees.

**5. *Deceased Plaintiffs.*** Due to the difficulties the parties are experiencing in obtaining pertinent medical records on behalf of those clients who are deceased, the Court finds it necessary for the efficient procurement of those records to have specific rules pertaining to claims involving deceased plaintiffs. For the sole and limited purpose of obtaining records associated with a claim covered by this Order, Plaintiff’s counsel is considered the “personal representative” of an estate he/she represents and may sign a Court-Approved Authorization to obtain records. All Entities are hereby Ordered to accept an Authorization for a deceased plaintiff signed by Plaintiff’s counsel.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

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**CYNTHIA M. RUFÉ, J.**