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

IN RE: AVANDIA MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION

UATION

MDL No. 1871 07-md-01871

THIS DOCUMENT APPLIES TO: ALL ACTIONS

ALL ACTIONS

PRETRIAL ORDER NO. 65

AND NOW, this 22nd day of June 2009, after a status conference and motion hearing held in the above-captioned litigation on June 19, 2009, it is hereby **ORDERED** as follows:

- 1. Upon consideration of Defendant's proposed "Dismissal Protocol" for cases in Discovery Group One as set forth at Paragraph Four of the Notice and Proposed Agenda filed jointly by the parties on June 12, 2009 [Doc. No. 444], and the representation by the PSC at the June 19, 2009 Status Conference that Plaintiffs have no objection to said proposed Protocol, the parties are directed to confer and **FILE** a motion for an order reflecting proposed "Dismissal Protocol" terms for the Court's review, **on or before July 10, 2009**;
- 2. Upon consideration of Plaintiffs' Motion for Order Establishing a Plaintiff's Litigation Expense Fund to Compensate and Reimburse Attorneys for MDL Administration and Common Benefit Work [Doc. No. 437], and the discussion thereof at the June 19, 2009 Status Conference, Plaintiffs are directed to revise the proposed order, including through consultation with counsel for Defendant, and to **FILE** a revised motion for such order **on or before July 22, 2009**;
- The Clerk of Court is directed to FILE to the MDL Master Docket the June 18,
 2009 letter of State Court Liaison Dianne Nast, Esq., to Special Discovery Master Shestack,

submitted to the Court at the June 19, 2009 Status Conference and attached hereto [see copy of letter

of Ms. Nast, Esq., attached];

4. Upon consideration of the billing statement of Special Master Shestack for the

period of April 15 - May 30, 2009, submitted to Liaison Counsel and the Court for review on June

18, 2009, to which Plaintiffs have represented they have no objection, Defendant is directed to

review the statement and report its position thereon to the Court via letter, promptly;

5. Upon consideration of Defendant's Motion Appealing the Special Master's

Seventh Report and Recommendation [Doc. No. 447], Defendant is hereby given leave to file a reply

brief, not to exceed fifteen (15) pages in length, on or before July 8, 2009, and Plaintiffs are hereby

given leave to file a sur-reply, not to exceed fifteen (15) pages in length, on or before July 23, 2009,

after which the matter will be deemed submitted;

6. The next status conference in this litigation will be held on Wednesday,

September 9, 2009, at 9:30 AM, in Courtroom 12A of the United States Courthouse, 601 Market

Street, Philadelphia, PA 19106. Seven days prior to the status conference the parties, through

Liaison Counsel, shall submit a Joint Report outlining proposed agenda items and including a short

statement of the issues involved and the positions of the parties with respect to each item. As a

general rule, the parties will not seek Court intervention at a status conference with regard to any

issues not presented in the Joint Report submitted in advance of the conference.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.