

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

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

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**MDL No. 1871
07-md-01871-CMR**

**THIS DOCUMENT APPLIES TO:
ALL ACTIONS**

PRETRIAL ORDER NO. 7

AND NOW, this 9th day of June 2008, the Court hereby enters the following Pretrial Order.

1. PLAINTIFF’S FACT SHEET

The PSC and counsel for GlaxoSmithKline have submitted a Fact Sheet to the Court as the agreed form of written discovery to be completed by every plaintiff. A copy of the Fact Sheet is attached to this Order.

WHEREFORE, it is hereby **ORDERED** that the Plaintiff’s Fact Sheet is **APPROVED** and each plaintiff claiming personal injury in this litigation shall complete and serve a Fact Sheet and provide the documents and authorizations according to its instructions within sixty (60) days of filing and service of a complaint alleging an injury relating to Avandia. It is **FURTHER ORDERED** that Plaintiffs in cases that were filed and served before the entry of this Order shall complete and serve a Fact Sheet within sixty (60) days of the entry of this Order.

For the convenience of the parties, on or around June 9, 2008, a .PDF version of the Plaintiff's Fact Sheet will be posted on the website of the United States District Court for the Eastern District of Pennsylvania, at: <http://www.paed.uscourts.gov/mdl1871.asp>.

2. PROCEDURE WHERE PLAINTIFF FAILS TO COMPLETE FACT SHEET ACCORDING TO ITS INSTRUCTIONS

The PSC and counsel for GlaxoSmithKline shall meet and confer to discuss a Case Management Order to provide procedures where a plaintiff fails to complete a Fact Sheet according to its instructions in a timely manner. A proposal shall be submitted to the Court five days before the scheduled June 20, 2008, hearing.

3. FORM OF TOLLING AGREEMENT

The Court has been provided with a form of Tolling Agreement, which has been agreed upon by the PSC and counsel for GlaxoSmithKline. A copy of the Tolling Agreement and instructions for completing the form of tolling agreement, provided by counsel for the defendant, is attached to this Order. For the convenience of the parties, on or around June 9, 2008, a .PDF version of the form of Tolling Agreement will be posted on the website of the United States District Court for the Eastern District of Pennsylvania, at: <http://www.paed.uscourts.gov/mdl1871.asp>.

The Court authorizes the use of the approved Fact Sheet by claimants who agree with GlaxoSmithKline to enter such a tolling agreement, and, in the event that a claimant files suit, the Fact Sheet shall become part of the discovery record in the suit. Claimants who entered into a tolling agreement prior to the entry of this Order shall have sixty (60) days from the date of this Order to provide a fact sheet.

4. COMMON BENEFIT FUND

As the form of Tolling Agreement represents the combined efforts and work of the Plaintiffs' Steering Committee, all parties are placed on notice that those availing themselves of its provisions, together with all of those parties otherwise subject to the jurisdiction of this multi-district litigation, shall be subject to such common benefit assessment, if any, as this Court may order in the future.

5. PERSONAL INJURY CLAIMS ON BEHALF OF PROPOSED NATIONWIDE CLASSES DISMISSED

The Court has been informed that plaintiffs' counsel have dismissed any personal injury claims on behalf of proposed nationwide classes or amended their complaints to drop any such personal injury claims on behalf of a class. The Court has further been informed that there are pending class actions asserting personal injury claims on behalf of a class of Louisiana residents and another on behalf of Tennessee residents. Whatever the effect of those class actions on the tolling of the limitation periods in those states (as to which no opinion is expressed), patients who took Avandia are advised to request a tolling agreement from GlaxoSmithKline or file suit within the applicable limitation period.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

HON. CYNTHIA M. RUFÉ