

**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**
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**THIS DOCUMENT APPLIES TO:
ALL ACTIONS**

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PRETRIAL ORDER NO. 83

AND NOW, this 3rd day of December, 2009, upon consideration of the Plaintiff's Motion Appealing the Special Master's Ninth Report and Recommendation [Doc. No. 548] and their accompanying memorandum, as well as Defendant GSK's Memorandum of Law in Opposition to Plaintiff's Motion, the Court has reviewed the Special Master's Ninth Report and Recommendation *de novo*. The Court agrees with the Special Master's finding that the Plaintiff's Steering Committee was inefficient in its seven hour depositions of Dr. Joanna Balcarek and Dr. Martin Freed. Accordingly, it is hereby **ORDERED** that the Report and Recommendation is **ADOPTED**, and the Court will not allow a second day of depositions for Dr. Joanna Balcarek and Dr. Martin Freed.¹

It is so **ORDERED**.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUFÉ, J.

¹ By adopting the Ninth Report and Recommendation, the Court is not amending Pre-Trial Order No. 38. The Court expects counsel for the parties and the Special Master to comply with the requirements of that order and resolve disputes over the length of a deposition *in advance* of the scheduled deposition whenever the need for additional time is noticed in advance per PTO 38. When the parties are not aware of the need for additional time in advance of the deposition, the Special Master's protocol may be used.