

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

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

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MDL 1871
2:07-md-01871-CMR
HON. CYNTHIA M. RUFÉ

THIS DOCUMENT RELATES TO ALL
ACTIONS

PRETRIAL ORDER NO. *86*

AND NOW, this *22nd* day of December 2009, pursuant to the joint submission of

the parties, and after due consideration by this Court, it is hereby **ORDERED** as follows:

REQUIREMENT OF ALL MDL PLAINTIFFS TO PRODUCE BASIC MEDICAL RECORDS

1. Plaintiffs' counsel in all cases pending in this MDL shall: (1) produce "basic medical records" (defined below) for their plaintiff; or (2) demonstrate that Plaintiff's counsel has ordered "basic medical records" (by providing a copy of an order form by a medical records vendor, or a copy of the actual request made by said counsel) and confirm that the records will be provided to counsel for Defendant GlaxoSmithKline LLC, formerly known as SmithKline Beecham Corporation ("GSK")¹, upon receipt.

2. For cases already pending in this MDL, Plaintiffs' counsel shall comply with this obligation within sixty (60) days of the entry of this Pretrial Order. For all cases subsequently filed directly in or transferred to this MDL, Plaintiffs' counsel shall comply with this obligation within sixty (60) days thereof.

¹ On October 27, 2009 SmithKline Beecham Corporation redomiciled from Pennsylvania to Delaware, converted into a limited liability company and changed its name to GlaxoSmithKline LLC.

3. "Basic medical records" include:

a. Proof of Avandia use in the form of pharmacy records, prescriber's medical records or, in the absence of either, an affidavit from the Plaintiff explaining such use, and a statement of counsel describing the efforts made to obtain usage records and the reason(s) why such records are no longer available; and

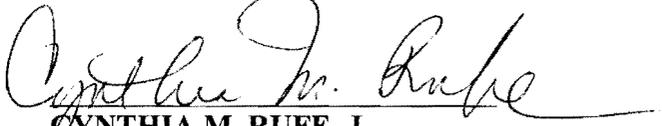
b. Medical records of the prescriber from the present back to one year before the date of injury claimed by the Avandia User; and

c. A discharge summary or other medical record establishing and describing the claimed injury.

4. Failure by any Plaintiff to comply with this paragraph shall constitute a "Threshold Deficiency" and, absent good cause shown, subject the case to potential dismissal under Pretrial Order No. 50.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.