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

IN RE: AVANDIA MARKETING, SALES :

PRACTICES AND PRODUCTS LIABILITY : MDL No. 1871 LITIGATION : 07-md-01871

THIS DOCUMENT APPLIES TO:

2:10-cv-22-CMR

Cleo Winebrimmer and Tira Montague

v.

Glaxosmithkline Corp., et al.

PRETRIAL ORDER NO. 89 (SEVERANCE)

AND NOW, this 26th day of January, 2010, it is hereby **ORDERED** as follows:

- 1. Except for the first-named plaintiff, every other plaintiff (and his or her derivative claimants, if any) in the above-captioned actions is hereby severed pursuant to Fed. R. Civ. P. 21.
- 2. Pursuant to PTO 4 [Doc. No. 122], each severed plaintiff may file a complaint in the Eastern District of Pennsylvania or in another district with proper venue within thirty (30) days of the date of this Order or seek a Tolling Agreement consistent with the provisions set forth in Pretrial Order No. 7 [Doc. No. 134; see also form of Tolling Agreement, available in .PDF form on the website for the United States District Court for the Eastern District of Pennsylvania, at: http://www.paed.uscourts.gov/mdl1871.asp]. With regard to the applicable limitations period, any action filed by a severed plaintiff within thirty (30) days of the date of this Order (or granted tolling pursuant to a Tolling Agreement) will be deemed to have been filed on the filing date of the original multi-plaintiff complaint from which the plaintiff was severed.

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/s/ Cynthia M. Rufe