

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

IN RE: AVANDIA MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION	:				
	:				
	:				MDL No. 1871
	:				07-md-01871-CMR
	:				

**THIS DOCUMENT APPLIES TO:
ALL ACTIONS**

**PRETRIAL ORDER NO. 9
(MASTER SHORT-FORM ANSWER)**

AND NOW, this 10th day of June 2008, to promote efficiency for the Court and the parties in above-captioned matter, the Court hereby enters the following Order to set forth the procedure for filing responses to all civil actions that are or become consolidated in MDL No. 1871, and to govern further proceedings in this litigation, in conjunction with the rules set forth in prior Orders not explicitly altered or modified by the terms of this or other Orders.

I. Scope of This Order

This Order applies to all actions transferred to the *In re Avandia Marketing, Sales Practices and Products Liability Litigation* (“In re Avandia MDL Litigation”) by the Judicial Panel on Multidistrict Litigation pursuant to its order of October 16, 2007, all related actions originally filed in this Court, and any “tag-along” actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 12 of the Rules of Procedure of the Panel, subsequent to the filing of the final transfer order by the Clerk of this Court.

II. Filing of a Master Short-Form Answer

The Master Short-Form Answer and Affirmative Defenses (“Master Short-Form Answer”) shall be filed once by Defendant, SmithKline Beecham d/b/a GlaxoSmithKline (“GSK”) in MDL No. 1871 upon entry of this Pretrial Order, and shall be deemed to respond to the allegations of all of the complaints filed in or transferred to MDL No. 1871 as described above. The Master Short-Form Answer is not intended to and shall not waive any applicable defenses available to GSK, and GSK may respond to any particular individual complaint by way of motions permissible under the Federal Rules of Civil Procedure. GSK may also file counterclaims, crossclaims and/or third-party complaints, pursuant to Rules 13 and 14 of the Federal Rules of Civil Procedure, in connection with any particular individual action.

To the extent GSK desires to respond to any particular individual complaint for the purpose of motion practice, or for the purpose of pleading any additional affirmative defenses, counterclaims, crossclaims and/or third-party complaints, GSK shall file any such motions or pleadings within forty-five (45) days of transfer of the action to the MDL or, for those actions currently pending in the MDL, within forty-five (45) days of the filing of the Master Short-Form Answer.

III. Response to Master Short-Form or Other Answer

Plaintiffs are deemed to deny each allegation of the Master Short-Form Answer. Plaintiffs in any of the actions consolidated in MDL No. 1871 may also file responsive pleadings allowed under the Federal Rules of Civil Procedure to this Master Short-Form Answer or any subsequent answer:

A. within sixty (60) days of filing of the Master Short-Form Answer for actions pending in the MDL at the time of said filing;

B. within sixty (60) days of the filing of any separate individual answer; or

C. within sixty (60) days of transfer of the action to the MDL, if such transfer occurs after the filing of the Master Short-Form Answer.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

HON. CYNTHIA M. RUFÉ