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**
THIS DOCUMENT APPLIES TO: ALL ACTIONS	:	

PRETRIAL ORDER NO. 60

AND NOW, this 28th day of May 2009, upon consideration of the Sixth Report and Recommendation of the Special Discovery Master as to GSK's Case-Specific Profile Production [Doc. No. 426], and the protocol agreed to by the parties and attached thereto, and after due consideration by this Court, it is hereby **ORDERED** as follows:

GSK's CASE-SPECIFIC PROFILE PRODUCTION

1. GSK shall produce a Case-Specific Profile ("CSP") in the manner described below 14 days prior to any scheduled case-specific deposition of any Discovery Group 1 case, and 60 days prior to any scheduled case-specific deposition in cases placed in subsequent Discovery Groups. Plaintiffs may waive the time requirement in individual cases by agreement with GSK's Liaison Counsel.

2. GSK shall serve CSPs and any underlying load file(s) via Federal Express on CD-ROM, DVD-ROM, or other suitable form of media storage to individual plaintiff's Counsel of Record and Plaintiffs' Liaison Counsel.

3. Each CSP production shall include, if available, the following Avandia-related information for the time period starting three (3) months prior to the prescriber's first

identifiable prescription to plaintiff of Avandia and ending with the last day of the month of the last identifiable prescription by this prescriber (the "prescription period"):

(a) "Dear Doctor" and "Dear Healthcare Provider" letters issued by GSK;

(b) Information concerning any samples of Avandia, Avandamet or Avandaryl left with the prescriber;

(c) Call notes reflecting calls on the prescribing physician for Avandia, Avandamet or Avandaryl;

(d) Information concerning payments made by GSK, including any grants for research, to the prescriber for any speaking engagements or research conducted relating to Avandia, Avandamet or Avandaryl;

(e) Prescriber level information provided to GSK by IMS Health, Inc. concerning the prescribing physician's use of Avandia, Avandamet, or Avandaryl. GSK shall be required to produce such information only with the consent of the third party and after plaintiffs have entered into a confidentiality agreement with the third party.

(f) Information relating to or documenting the prescriber's service as a Key Opinion Leader, Thought Leader, or other consultant for GSK;

(g) Information identifying Avandia-related publications written by the prescriber about Avandia, Avandamet or Avandaryl;

(h) Information reflecting participation of the prescriber as a speaker on behalf of GSK or participation in any study funded by GSK or its agents;

(i) Information from the GSK Response Center or otherwise in GSK's possession reflecting requests by the prescriber for information about Avandia, Avandamet or

Avandaryl; and

(j) Any adverse event report for plaintiff, to the extent a search of GSK's adverse event database, OCEANS, results in the identification of an adverse event report relating to plaintiff, other than a report resulting from plaintiff's legal action against GSK.

4. GSK also agrees to produce the custodial file of one sales representative in each Discovery Group 1 case 14 days in advance of the mutually-agreed upon date for that sales representative's deposition.

5. The responses contained within a CSP shall be treated as discovery responses under the Federal Rules of Civil Procedure.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

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CYNTHIA M. RUFE, J.