

**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:	:	
James Battles, et al. v. SmithKline Beecham Corp.	:	
d/b/a GlaxoSmithKline, et al.	:	2:09-CV-01796
	:	

PRETRIAL ORDER NO. 61

AND NOW, this 3rd day of June 2009, 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 action is hereby **SEVERED** pursuant to Fed. R. Civ. P. 21.
2. Pursuant to Pretrial Order No. 4, 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 Orders No. 7 and No. 55.
3. For purposes of 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 date of the filing of the original multi-plaintiff complaint from which the plaintiff was severed.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.