

**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. 66

AND NOW, this 21st day of July 2009, upon consideration of the parties' Joint Motion for an Order Regarding Discovery Group One Case Dismissal Protocol [Doc. No. 464], it is hereby **ORDERED** that the Motion is **GRANTED**, and the following protocol shall apply in the prescribed circumstances:

For any Discovery Group One Case where plaintiff seeks a dismissal without prejudice, plaintiff's counsel and GSK shall submit a Stipulation and Order of Dismissal Without Prejudice for approval by this Court containing the following language:

To the extent plaintiff decides to re-file the case or the claims in the case at a later date, the case or the claims must be re-filed within 60 days of the date of the filing of the Stipulation and Order of Dismissal and may be re-filed only in the United States District Court for the Eastern District of Pennsylvania, MDL No. 1871. If the case or the claims in the case are re-filed, the case will be part of Discovery Group One again. If plaintiff does not re-file the case or the claims in the case within 60 days of the date of the Order of Dismissal, the dismissal will convert automatically to a Dismissal with Prejudice without the need for any further filing.

Any Discovery Group One case previously dismissed without prejudice prior to the entry of this Order shall be re-filed, if at all, in the Eastern District of Pennsylvania, MDL 1871, and, if re-filed, shall rejoin Discovery Group One. For those cases that have already been re-filed in

another jurisdiction, counsel for those plaintiffs are directed to dismiss those cases and re-file the cases in the Eastern District of Pennsylvania within 60 days from the date of this Order, and, for purposes of any statute of limitations or statute of repose, the filing shall relate back to the original filing date.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.