

**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:

Churly L. Stewart et al. v. SmithKline Beecham Corporation : 2:09-cv-04690-CMR
d/b/a GlaxoSmithKline :

Tung Houston et al. v. SmithKline Beecham Corporation : 2:09-cv-04691-CMR
d/b/a GlaxoSmithKline et al. :
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**PRETRIAL ORDER NO. 79
(SEVERANCE)**

AND NOW, this 15th day of October, 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 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.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.