

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

IN RE: AVANDIA MARKETING, SALES	:	MDL NO. 1871
PRACTICES AND PRODUCTS	:	07-MD-01871
LIABILITY LITIGATION	:	

THIS DOCUMENT APPLIES TO:	:	HON. CYNTHIA M. RUFÉ
ALL ACTIONS	:	

PRETRIAL ORDER NO. 153

The Plaintiffs' Steering Committee ("PSC") has filed a Motion to Establish Alternative Procedures for Small Estate Settlements (Document No. 2126), which Defendant GlaxoSmithKline ("GSK") does not oppose. After careful consideration of the Motion, the Court has determined that the proposed procedures will facilitate the release of settlement funds through a simple, uniform, and cost-effective Small Estate Procedure (the "SEP") for claims submitted on behalf of deceased claimants (including deceased derivative claimants). This Order therefore is issued pursuant to the Court's authority to direct and control the pretrial proceedings in this litigation pursuant to 28 U.S.C. § 1407 and Federal Rule of Civil Procedure 16. **AND NOW**, this 16th day of February, 2012, it is hereby **ORDERED** that the Motion is **GRANTED** as follows:

1. ***Claimants Affected by this Order.*** This Order applies to all claims where the claimant is deceased and where, for claimants who died testate, the gross settlement amount does not exceed \$50,000 and for claimants who died intestate, the gross settlement amount does not exceed \$30,000. Counsel for each claimant whose claim is to be processed pursuant to the SEP shall provide confidentially to the Court a written declaration identifying the claimant, which will

constitute *prima facie* proof that the claimant is entitled to payment pursuant to the SEP.

2. ***Payment Procedures.*** The SEP attached as Exhibit B to the Motion will govern the payments to the affected claimants. Pursuant to the SEP, and upon receipt of executed copies of the applicable Representative Claimant Form (Exhibit C-1 or C-2 to the Motion) and the Acknowledgment of Counsel Form (Exhibit C-3 to the Motion), and provided that all other conditions to payment have been met, GSK shall distribute funds pursuant to each Master Settlement Agreement (“MSA”) as if all necessary estate documents had been received. In doing so, GSK may rely in good faith on the statements in the Forms, has no duty to inquire as to the truthfulness of any statements made in the Forms, and shall be free from liability for having distributed or authorized the distribution of settlement proceeds pursuant to the Forms. The Confidential Release executed by the Representative Claimant pursuant to the Forms is hereby declared fully enforceable by GSK and binding on the Representative Claimant and all derivative claimants of the deceased Avandia user.

3. ***Confidentiality Not Affected by this Order.*** All confidentiality provisions set forth in each MSA shall remain in full force and effect.

4. ***Dispute Resolution.*** Should any dispute arise regarding the applicability of this Order to an individual claimant, either party may file under seal an appropriate motion for consideration by the Court.

It is so ORDERED.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.