

**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. 59
(APPOINTING STATE LIAISON COUNSEL)**

AND NOW, this 21st day of May, 2009, upon consideration of the request by the PSC to appoint a State Liaison Counsel and after considering letters from counsel dated December 11, 2008 and March 4, 2009 and the statements by counsel on this issue at the February 27, 2009 status conference and at prior conferences, the Court makes the following conclusions concerning the proper initial roles and responsibilities of State Liaison Counsel and appoints a State Liaison Counsel as follows:

Role and Responsibilities of State Liaison Counsel

1. The State Liaison Counsel (“SLC”) should focus substantial attention to the related lawsuits filed in every state. While the SLC’s purview includes all states in which related cases have been filed, it is expected that some states will merit more attention than others due to the relatively high number of cases filed in those states or unique features of the litigation occurring therein. The Court notes that the greatest number of cases have been filed in the State of California and in the Commonwealth of Pennsylvania, and appreciates that these states may merit special attention for that reason. However, no state(s) should receive the SLC’s attention to

the exclusion of the others.

2. As to specific roles and functions of the SLC, it would be appropriate for the SLC to provide reports to this Court at status conferences on state/federal court coordination efforts to the extent the PSC deems those reports necessary and/or the Court requires.

3. Additionally, it would be appropriate for the SLC to attempt to prevent duplication of depositions and other discovery in the MDL and the state courts by, among other things, facilitating free flow of information regarding discovery (particularly with regard to deposition scheduling). Any such discovery coordination activities should include communications with Mr. Shestack and counsel for GSK concerning those issues and efforts.

4. The Court does not envision any role for the SLC that would involve filing separate briefs in this MDL or attempting to identify plaintiffs for cases to be filed in this MDL.

5. The SLC should make it clear when dealing with state court Judges, litigants and lawyers that the SLC is a lawyer for the plaintiffs, not a Court officer or neutral spokesperson for this or any other court.

Appointment of State Liaison Counsel

The PSC has proposed certain candidates for the position of State Liaison Counsel and GSK has taken no position with respect to the identity of who should serve in that role. After considering the proposed candidates, and with oral notice to the parties and no objection therefrom, the Court appoints Diane Nast, Esquire, as State Liaison Counsel, effective immediately.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.