

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In Re: Mirapex Products Liability)	MDL No. 07-1836 (JMR/FLN)
Litigation)	
_____)	
)	
This Document Relates to "All Actions")	Pre-Trial Order No. 4
_____)	

PRE-TRIAL ORDER NO. 4

(Protective Order)

Pursuant to this Court’s Pre-Trial Order No. 1[#26], the parties were ordered to meet and confer for the purpose of reaching agreement on the language of a protective order. If the parties were unable to reach agreement, they were ordered to submit their best proposal to the Court. The Court indicated that one of the proposals would be adopted in its entirety. The parties were unable to reach complete agreement and submitted their best proposals.

The parties were unable to agree upon whether the Plaintiff would be permitted to disclose documents designated as “Confidential” or “Confidential-Attorney’s Eyes Only” to the Food and Drug Administration (“FDA”) or the United States Department of Justice. Plaintiffs’ proposal allowed for such disclosure and Defendants’ proposal did not. The Plaintiffs’ assert that it is necessary that they be able to make disclosures to the FDA or the United States Department of Justice because the Defendants’ rely on causation conclusions reached by the FDA. The Plaintiffs’ argue that the findings of the FDA are flawed because Defendants have withheld information from the FDA and the Plaintiffs should be able to provide the FDA with complete information.

The Court rejects the Plaintiffs’ position that disclosure should be generally and automatically allowed. In a separate Order, the Court has adopted the Defendants’ Proposed Protective Order as the Protective Order in this action. If the Plaintiffs have a specific need to make

disclosures to the FDA or the United States Department of Justice, the Court finds that ¶12 of the Defendants' Proposed Protective Order provides for sufficient means to allow the Plaintiffs to seek permission to make such disclosures.

Based on all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendants' Proposed Protective Order is adopted as the Protective Order in this action.

DATED: September 12, 2007

s/ Franklin L. Noel _____
FRANKLIN L. NOEL
United States Magistrate Judge