

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: BAYCOL PRODUCTS LITIGATION

MDL No. 1431
(MJD/JGL)

This Document Relates to All Cases

Pretrial Order No. 128

Pursuant to PTO 11, this Court ordered the establishment of procedures for limiting access of litigation counsel to medical records collected by Bayer Drug Safety in connection with the reporting and investigation of adverse event reports related to the medicine Baycol. The parties have reported to this Court that Bayer Drug Safety is now receiving few such medical records, and in consultation with Special Master Roger Haydock, have agreed that modification of the PTO 11 procedures is appropriate.

Accordingly, **IT IS ORDERED THAT:**

1. A representative of the Court no longer will review and seal medical records newly received by Bayer Drug Safety.
2. Bayer will continue to produce to the PSC quarterly updates on the Drug Safety ClinTrace database while defense document production continues in this MDL.
3. If, after document production concludes, a Baycol case is set for trial (a) in federal court or (b) involves a plaintiffs' attorney involved in this MDL or PSC work product, counsel for the plaintiff in that case may request production of a ClinTrace database update, provided that request is made no fewer than 4 weeks before trial and Bayer is allowed at least 10 days to produce the update. Defendants' witnesses will not be permitted to testify about ClinTrace data more current than that produced, and defense counsel will not be allowed to cross-examine plaintiffs' witnesses about ClinTrace data not produced.
4. Special Master Haydock will continue to monitor the process and advise this Court of any needed changes to the procedures.

Date:

Michael J. Davis
United States District Court