

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: BAYCOL PRODUCTS LITIGATION

MDL No. 1431
(MJD/JGL)

This Document Relates to All Actions

Pretrial Order No. 39

Plaintiffs have submitted a report on the request of Canadian class action plaintiffs for coordination between the MDL and the pending Canadian class actions. Specifically, the Canadian plaintiffs seek an amendment to the protective order in place in this litigation, PTO No. 24, to allow the sharing of documentary discovery made in this case with injured plaintiffs in Canada. The Plaintiffs' Steering Committee in the MDL endorses the request of the Canadian plaintiffs and the Defendants oppose it.

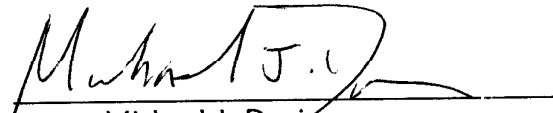
The Court will not entertain the request at this time as it is not properly before the Court. Many courts have held that in order to seek modification of a protective order, a third-party must first obtain intervenor status. Griffith v. University Hosp. L.L.C., 249 F.3d 658, 661 (7th Cir. 2001)(quoting Grove Fresh Distributors, Inc. v. Everfresh Juice Co., 24 F.3d 893 (7th Cir. 1994)); Leucadia, Inc. v. Applied Extrusion Technologies, Inc., 998 F.2d 157 (3rd Cir. 1993); Beckman Indus., Inc. v. International Ins. Co., 966 F.2d 470 (9th Cir.), cert. denied, 506 U.S. 868 (1992); United Nuclear Corp. v. Cranford Ins. Co., 905 F.2d 1424, 1427 (10th Cir. 1990), cert. denied, 498 U.S. 1073 (1991); Public Citizen v. Liggett Group, Inc., 858 F.2d 775, 783-784 (1st Cir. 1988), cert. denied, 488 U.S. 1030 (1989); Meyer Goldberg, Inc. v. Fisher Foods, 823 F.2d 159, 162 (6th Cir.1987); Martindell v. International Tel. & Tel. Corp., 594 F.2d 291, 294 (2nd Cir. 1979); In re

SEP 24 2002
FILED _____
RICHARD D. BLETTEN, CLERK
JUDGMENT INTD _____
DEPUTY CLERK _____

Beef Indus. Antitrust Litigation, 589 F.2d 786, 789 (5th Cir. 1979).

Accordingly, until a proper motion for intervention is before this Court, the Canadian class action plaintiffs' request for access to discovery obtained in this case is DENIED.

Date: *Sept. 24, 2002*


Michael J. Davis
United States District Court