

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

IN RE:)	MDL Docket No. 1953
)	
HEPARIN PRODUCTS)	CHIEF JUDGE JAMES G. CARR
LIABILITY LITIGATION)	CASE NO. 1:08-60000
)	
)	ALL CASES

PRETRIAL ORDER NO. 17
RELEASE OF CONTAMINATED HEPARIN TO PLAINTIFFS

WHEREAS, Plaintiffs in the above-titled action have requested that Defendant Baxter Healthcare Corporation produce samples of lots of heparin containing API (active pharmaceutical ingredient) materials that have tested positive for oversulfated chondroitin sulfate (OSCS) (hereinafter the “heparin samples”);

WHEREAS, Defendant BHC does not oppose Plaintiffs’ request and believe it is appropriate for this Court to issue an order governing the release and production of the requested heparin samples;

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and Defendant Baxter Healthcare Corporation, through their respective Lead and Liaison counsel, that:

1. Baxter Healthcare Corporation shall release and deliver to David W. Zoll, on behalf of the Plaintiff’s Executive Committee (the PEC), at the offices of Zoll, Kranz & Borgess, LLC, 6620 W. Central Ave., Toledo, OH 43617 the requested heparin samples;
2. The PEC and/or its authorized experts will retain possession of the samples, and the PEC will be accountable for maintaining control of the samples to prevent unauthorized dissemination and intentional or unintentional entry of the samples into the stream of commerce. To this end, the PEC will keep track of the chain of custody of the samples. The PEC will return any unused portion of the samples or certify that any unused portion has been destroyed.
3. The Parties shall comply with any other applicable federal, state and local laws in the handling, processing, release, shipping, and custody of the heparin samples.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED this 22 day of June, 2009.

s/ James G. Carr

Chief Judge James G. Carr
United States District Court