

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

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

Pretrial Order Number 19

AGREED ORDER RE AFFIRMATIVE DEFENSE OF INDISPENSABLE PARTIES

I. SCOPE OF ORDER

1. This Order shall apply to all plaintiffs and their counsel for actions relating to Heparin products that are currently pending in MDL No. 1953, hereafter subject to transfer to these proceedings, or that will be originally filed in the Court (collectively, “the MDL proceedings”) and all defendants and their counsel in the MDL proceedings.

II. WITHDRAW OF AFFIRMATIVE DEFENSE OF PLAINTIFFS’ FAILURE TO NAME INDISPENSABLE PARTIES

2. For all cases currently pending in the MDL proceedings in which defendants Baxter Healthcare Corporation, Baxter International, Inc., Scientific Protein Laboratories, LLC, Changzhou SPL Company, Ltd., and/or American Capital, Ltd. (collectively, “the Baxter & SPL Defendants”) have already asserted the affirmative defense that claims raised against them fail due to a plaintiff’s failure to join indispensable parties, the Baxter & SPL Defendants hereby withdraw that defense.

3. In responsive pleadings filed after the date of this Order, the Baxter & SPL Defendants will refrain from asserting the affirmative defense that claims raised against them fail due to a plaintiff's failure to join indispensable parties.

IT IS SO ORDERED.

Dated: September 23, 2009

s/ James G. Carr
Chief Judge James G. Carr