

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

**IN RE: HEPARIN PRODUCTS
LIABILITY LITIGATION**

) **MDL Docket No. 1953**
) **CHIEF JUDGE JAMES G. CARR**
) **CASE NO. 1:08-60000**
)
) **ALL CASES**
)
)
)

Second Amended Agreed Pretrial Order Number 5

SERVICE OF PROCESS

Defendants Baxter Healthcare Corporation (“BHC”), Baxter International Inc. (“BII”), Scientific Protein Laboratories LLC (“SPL”) and Changzhou SPL Co. (“CZSPL”) have stipulated that service of process by the procedures detailed below shall be deemed proper service for purposes of Rule 4 of the Federal Rules of Civil Procedure.

A. Service on BHC, BII, SPL and CZSPL

Kirkland & Ellis LLP shall accept service of process for all heparin-related case filed directly into the Court’s master docket (“In Re Heparin Products Liability Litigation,” MDL Docket No. 1953, CASE NO. 1:08-hc-60000 on behalf of Defendants BHC, BII, SPL and CZSPL pursuant to the following procedures:

- A. Plaintiff(s) shall send a copy of the newly filed complaint along with a request for waiver of service under Rule 4 of the Federal Rules of Civil Procedure to Nora Shea at Kirkland & Ellis LLP by email and by First Class Mail.
- B. Nora Shea’s contact information is as follows:

Nora Shea, Senior Legal Assistant
Kirkland & Ellis LLP
300 North LaSalle
Chicago, Illinois 60654
nora.shea@kirkland.com
- C. Service shall be deemed effected on the day that both a copy of the complaint and a request for waiver of service is received by email. Responsive pleadings will be due in accordance with the deadlines set forth in Rule 4 of the Federal Rules of Civil Procedure or in accordance with any other order of this Court.

- D. Kirkland & Ellis LLP will sign and return the request for waiver of service by email and by First Class Mail.
- E. Kirkland & Ellis LLP will not accept service for any newly filed complaint that is not filed directly into this Court's master docket or is not accompanied by a request for waiver of service.
- F. While Kirkland & Ellis LLP will accept service on behalf of Baxter International Inc. for those complaints that name it as a defendant, Baxter International Inc. is not a proper party to this litigation and it should not be named as a defendant in a proper complaint.

This the 29th day of April, 2009.

s/ James G. Carr

Chief Judge James G. Carr