

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**IN RE: PROPULSID** : **MDL NO. 1355**  
: **PRODUCTS LIABILITY LITIGATION** : **SECTION: L**  
: **JUDGE FALLON**  
: **MAG. WELLS ROBY**  
**THIS DOCUMENT RELATES TO ALL CASES** :  
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**ORDER SUPPLEMENTING PRETRIAL ORDER NO. 5**

For the reasons set forth in the Joint Motion and Order to Supplement Pretrial Order No. 5 (Confidentiality),

IT IS HEREBY ORDERED that Pretrial Order No. 5 (Confidentiality) entered on the docket of this Court on November 29, 2000, be and the same is supplemented as follows:

If and when plaintiff litigants in state court cases use the expert reports and patient related materials of Drs. Morganroth, Eckberg and Wann, plaintiff MDL experts, defendants may use all or parts of these materials in state court litigations, provided said defendants notify the Plaintiffs' Steering Committee in writing of the identity of the case and the plaintiff attorneys where the use of such confidential information may occur and redact any patient names.

Under such circumstances, the Plaintiff's Steering Committee reserves the right to file the

necessary Motion in this court to enforce the provisions and coverage of Pretrial Order No. 5 as may be appropriate in that state court litigation.

New Orleans, Louisiana, this the 4<sup>th</sup> day of September, 2002.

/s/ Eldon E. Fallon  
UNITED STATES DISTRICT JUDGE