

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

In re: VIOXX

PRODUCTS LIABILITY LITIGATION

This document relates to All Cases

* **MDL Docket No. 1657**
*
* **SECTION L**
*
* **JUDGE FALLON**
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* **MAG. JUDGE KNOWLES**
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PRETRIAL ORDER NO. 13A
(CONFIDENTIALITY PERTAINING TO GOVERNMENT ACTIONS)

IT IS HEREBY ORDERED:

Counsel representing plaintiffs in any cases filed in or transferred to this Court brought against Merck & Co., Inc. (“Merck”) by or on behalf of any state, county, city and/or other government entity (collectively, the “Government Actions”) are bound by Pre-trial Order No. 13 (Stipulation and Protective Order Regarding Confidential Information); shall execute both the attached Certification of Confidentiality and the attached Certification of Authority; shall provide copies of both Certificates to Plaintiffs’ Liaison Counsel and Dawn Barrios as Special Liaison Counsel on the Government Actions prior to gaining access to the Plaintiffs’ Steering Committee’s document depository; and shall comply with reasonable rules and guidelines established by the PSC for routine access to the depository.

Counsel for plaintiffs in the Government Actions, including the plaintiff Attorneys General, and all persons employed by or acting on their behalf, shall keep the materials and information that are confidential pursuant to Pre-trial Order No. 13 strictly

confidential, as provided herein and in the Orders of this Court, and shall not disclose the contents thereof to any person, entity or member of the public unless provided for by Order of this Court.

Such obligation shall continue in force until amended or superseded by express order of this Court and shall survive remand of the Government Actions to their transferor courts.

Nothing herein modifies, alters or amends Pre-trial Order No. 13.

New Orleans, Louisiana, this 30th day of January, 2009.

A handwritten signature in black ink that reads "Eldon E. Fallon". The signature is written in a cursive style with a horizontal line underneath it.

Honorable Eldon E. Fallon
United States District Judge

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CERTIFICATION OF AUTHORITY

I and/or my office are counsel of record for and represent _____
[name of government entity] in an action entitled _____,
originally filed in _____, bearing MDL docket number
_____, and presently pending in the multidistrict proceeding pending in the
District Court for the Eastern District of Louisiana known as In re Vioxx Products
Liability Litigation, MDL 1657. I certify that I have full authority and rights to pursue
the claims asserted.

I agree on my behalf and on behalf of my office/firm that I and the office/firm
represent only plaintiffs, and not defendants, in litigation involving Vioxx.

I have read the accompanying Pre-trial Order No. 13A, and agree to be bound by
its terms.

By: _____
(Signature)

Name: _____
(Typed or Printed)

For the Office/ Firm of:

For the Government Entity of:

Date: _____

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CERTIFICATION OF CONFIDENTIALITY

I hereby certify that I have read the Stipulation and Protective Order entered in the above-captioned action and that I understand the terms thereof.

I agree to be bound by the Stipulation and Protective Order.

I further agree to submit to the jurisdiction of this Court for purposes of enforcing the Stipulation and Protective Order, and I understand that the Court may impose sanctions on me for any violation of the Stipulation and Protective Order.

I understand that these certifications are strictly confidential, that counsel for each party are maintaining the certifications without giving copies to the other side, and that the parties expressly agreed and the Court ordered that, except in the event of a violation of this Order, the parties will make no attempt to seek copies of the certifications or to determine the identities of persons signing them. I further understand that if the Court finds that any disclosure is necessary to investigate a violation of this Order, the disclosure will be limited to outside counsel only and outside counsel shall not disclose any information to their clients that could tend to identify any certification signatory

unless and until there is specific evidence that a particular signatory may have violated the Order, in which case limited disclosure may be made with respect to that signatory.

By: _____
(Signature)

Name: _____
(Typed or Printed)

For the Office/ Firm of:

For the Government Entity of:

Date: _____