

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: ZOLOFT (SERTRALINE
HYDROCHLORIDE) PRODUCTS
LIABILITY LITIGATION**

THIS DOCUMENT APPLIES TO:

ALL ACTIONS

:
:
:
:
:
:
:
:
:
:
:
:
:
:

**MDL NO. 2342
12-MD-2342
HON. CYNTHIA M. RUFE**

PRETRIAL ORDER NO. 47

**(Amending Joint Pretrial Order No. 13 with Regard to the Designation of the Medical
Records Management Company and Establishing Procedures for the Transfer of Files
from Medical Research Consultants (“MRC”) to RecordTrak)**

Upon consideration of the PSC’s Motion to Amend Joint PTO No. 13 to Replace MRC as Plaintiffs’ Designated Medical Record Management Co. [Doc. 670], and after a conference with counsel on January 17, 2014, at which it was agreed that RecordTrak would replace MRC as the designated medical record management company for the *In re Zoloft* MDL, it is hereby **ORDERED** that the Motion is **GRANTED** and the following Order is entered based upon the agreement of counsel and in conjunction with the Court’s Order of January 17, 2014 [Doc. No. 683], to facilitate the preservation and production to Plaintiffs’ counsel and RecordTrak, Inc. of all records collected by MRC pertaining to Plaintiffs in the *In re Zoloft* MDL, and correspondence and communications (including transcripts and audio recordings thereto) with Plaintiffs, Plaintiffs’ providers, or any other individual or entity from which MRC sought to collect records in the *In re Zoloft* MDL.

1. Paragraph 5 of PTO No. 13 is **AMENDED** and RecordTrak, headquartered in King of Prussia, Pennsylvania, is designated the medical record management company for the *In re Zoloft* MDL. All provisions of Paragraph 5 of PTO No. 13 are fully applicable to RecordTrak.

2. As to authorizations that have previously been sent by MRC to records custodians, neither MRC nor RecordTrak will be required to send new authorizations and requests. As records are received by MRC, MRC may review them to determine that they relate

to the *In re Zolofit* MDL and then forward them to RecordTrak, within 10 days of receipt, for further handling.

3. MRC will forward to RecordTrak information sufficient to enable RecordTrak to conduct follow-up on outstanding records requests, but MRC shall not be required to provide any proprietary, confidential information, or trade secret information, including information revealing its specific processes. By copy of this Order, facilities in possession of records not yet produced to MRC are hereby notified and authorized to produce records/correspondence to RecordTrak in lieu of MRC without the need for a new authorization.

4. Phone call and e-mail inquiries from records custodians shall be forwarded by MRC to a contact person identified by RecordTrak.

5. RecordTrak will be responsible for payment of all outstanding custodian invoices, subject to reimbursement according to its agreements with Pfizer and the PSC.

6. As to authorizations that have previously been provided to Pfizer's counsel and/or MRC, it will not be necessary to obtain new authorizations. RecordTrak is authorized to substitute its name and information for MRC on any such authorizations. A copy of this Order may be provided to any records custodians as confirmation that such change has been done with Court permission.

7. RecordTrak and MRC should communicate directly with each other to work out the logistics of data and records transfer and to complete the transfer as expeditiously as possible. To the extent it is necessary to prioritize certain files, priority should be given to the Discovery Group cases. Additionally, based upon the volume of records to be transferred, MRC will use a phased approach, and the recordings will be produced as part of the final phase.

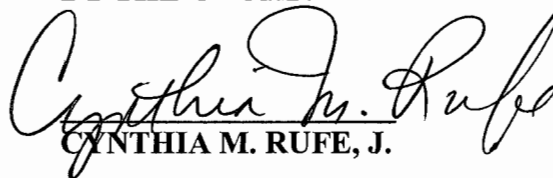
8. Because RecordTrak and MRC will be working closely to effectuate RecordTrak replacing MRC, RecordTrak will produce the records directly to the parties except in specific, limited instances before the successful transfer occurs and the production is a matter of urgency. In those specific instances, RecordTrak and MRC will confer and notify Pfizer and the PSC of

the need and proposed time frame by which MRC will produce directly to the parties, consistent with the established protocol.

9. The Court expects that the parties will work cooperatively to assist with the transition, and the parties are authorized to seek the advice and counsel of the Special Master in the event of any disputes. Further, because RecordTrak and MRC are directly implicated by this Order, they may also seek the advice and counsel of the Special Master as needed.

It is so **ORDERED** this 11th day of February 2014.

BY THE COURT:


CYNTHIA M. RUFÉ, J.