

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: E. I. DU PONT DE
NEMOURS AND COMPANY C-8
PERSONAL INJURY LITIGATION

CASE NO. 2:13-md-2433

JUDGE EDMUND A. SARGUS, JR.

MAGISTRATE JUDGE ELIZABETH P.
DEAVERS

This document relates to: **ALL ACTIONS.**

CASE MANAGEMENT ORDER NO. 5
Plaintiff Medical Record(s) Procurement

1. The Court hereby issues the following supplemental Case Management Order ("CMO"), relating back to CMO 4 governing Plaintiff Fact Sheet associated discovery, to govern the form and procedure for the procurement of Plaintiff medical records in cases governed by MDL-2433.

I. Scope of Order

2. This Order applies to (a) all actions transferred to *In Re: E. I. du Pont de Nemours and Company C-8 Personal Injury Litigation* ("MDL 2433") by the Judicial Panel on Multidistrict Litigation ("JPML") pursuant to its Order of April 8, 2013; (b) all related actions originally filed in or removed to this Court; and (c) any "tag-along" actions transferred to this Court by the JPML pursuant to Rules 6.2 and 7.1 of the Rules of Procedure of the Panel, subsequent to the filing of the final transfer order by the Clerk of this Court (collectively "Member Actions").

II. Plaintiff Medical Record Procurement by Defendant

3. DuPont is making arrangements to use a third party vendor, Medical Research Consultants ("MRC") to procure MDL-2433 plaintiff medical records. .

4. MRC will notify the MDL Plaintiff firm both when requested records are ordered and collected.

5. Once records have been obtained and processed by MRC for the ordering Defense Counsel, MRC will grant access to those records via its secure portal, "MRCRecords" for each MDL Plaintiff firm's pre-authorized attorneys of record, at their cost.

6. No Plaintiff firm is required to use MRC to obtain any record which Defense counsel has ordered. Each firm is free to continue using its own medical record procurement methods, at its own expense, if it so desires.


7. An explanation of the costs, contacts, and procedures for using MRC is attached as Exhibit 1 to this Order.

IV. Conflict Resolution

8. The PSC, on behalf of any individual MDL Plaintiff, Defendant's counsel, and/or representatives from MRC shall meet and confer in a good faith effort to resolve any disputes which might arise from the above procedure. After such meet-and-confer efforts have been attempted in good faith, counsel for a party may bring any remaining dispute(s) before the Court.

IT IS SO ORDERED

Date: 12-11-2013



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

Date: 12-11-2013



ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE



Services Provided by MRC to MRCRecords Users:

1. Complete training for MRC's secure, online ordering system + 24 hour online help desk.
2. Automatic email notification to users when new records are available for ordering.
3. Automatic email notification when selected records are ordered by Defense counsel.
4. Around-the-clock online ordering from list of records available for each Plaintiff (24/7 from any web browser).
5. Unlimited online viewing of records with local print option until case resolves or MRC is instructed to remove records.
6. Online prepayment of records by credit card.

MRCRecords User Conditions:

Counsel will agree to receive records per the following:

1. Record orders will be placed electronically through MRCRecords.
2. Standard record format (PDF) and page numbering as pre-arranged by Defense Counsel.
3. Plaintiff-Produced Records ("PPR") will not be hosted in MRCRecords.
4. Each participating firm may request up to four user names for their firm.
5. Users will select specific records for purchase and review from a list in MRCRecords.
6. Users may receive working copies of each selected record in the following format: Online (with local print option).
7. Access to selected records will be granted immediately.
8. If users experience concerns with any aspect of the process, [MRC's Opposing Counsel Coordinator](#) will be contacted to ensure early investigation, facilitation and/or resolution.

MDL Plaintiff Firm Fees:

Record Fees

- **Base Fee:** Per record ordered; covers expense for all activities related to acquisition of the records. Also includes electronic storage, unlimited online access to records, training and support, and local print/download capabilities. \$ 25.00

To Get Started:

To request a User Account for access to MRCRecords, please contact MRC's Opposing Counsel Coordinator via email at occoordinator@mrchouston.com. Within your email to MRC's Opposing Counsel Coordinator, please also specify:

- Your firm's name and address,
- Name, title, and contact information of the person requesting access,
- Name(s) of the Plaintiff(s) for which your firm is requesting access to collected records.

Upon verification of your information, MRC's Opposing Counsel Coordinator will complete the registration process and notify the new user of his or her MRCRecords login credentials and instructions for access.