

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
IN RE: NEW ENGLAND)	
COMPOUNDING PHARMACY, INC.)	
PRODUCTS LIABILITY LITIGATION)	MDL No. 13-2419-RWZ
)	
This Document Relates To:)	
)	
All Actions)	
)	
_____)	

ORDER ON PLAINTIFFS’ STEERING COMMITTEE’S MOTION FOR CLARIFICATION
REGARDING PLAINTIFF PROFILE FORM RELEASES AND RESPONSES

[Docket No. 1671]

February 24, 2015

Boal, M.J.

On February 14, 2014, this Court issued an order approving the plaintiff profile form (“PPF”) and record release authorizations for this MDL. Docket No. 923. The Plaintiffs’ Steering Committee (“PSC”) has moved for an order of clarification regarding four questions that have arisen regarding the PPFs and releases. Docket No. 1671. The Saint Thomas Entities¹ filed a response in partial opposition. Docket No. 1683. UniFirst Corporation has also filed a response. Docket No. 1685. The Court heard oral argument on February 17, 2015.

After carefully considering the parties’ arguments and proposals, the Court orders as follows:

1. Plaintiffs who are not seeking lost wage or economic damage claims are not

¹ The “Saint Thomas Entities” refers to Saint Thomas Health, Saint Thomas Network, and Saint Thomas Hospital West f/k/a Saint Thomas Hospital.

required to also provide a release for tax records. However, Plaintiffs who fail to provide a tax form authorization are barred from seeking lost wage or economic damage claims in the future.

2. Plaintiffs answering “No” to question 13 on the PPF are still required to provide a worker’s compensation record release.

3. Plaintiffs are permitted to serve on defense counsel authorizations and/or releases leaving blank the recipient field.

4. Plaintiffs may answer “unknown” to any question on the PPF only if the Plaintiff (or his or her representative), upon the exercise of reasonable diligence and a review of pertinent materials in his or her custody or control, cannot ascertain the answer to the question.

Substantive responses are required if the information necessary to respond is reasonably available to the person completing the form.

SO ORDERED.

/s/ Jennifer C. Boal
JENNIFER C. BOAL
United States Magistrate Judge