

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

IN RE: PROPULSID	:	MDL NO. 1355
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PRODUCTS LIABILITY LITIGATION	:	SECTION: L
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	:	JUDGE FALLON
	:	MAG. JUDGE ROBY
THIS DOCUMENT RELATES TO ALL CASES	:	
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ORDER OF CONTEMPT

On December 22, 2008, the Court held a hearing to show cause why medical records providers should not be held in contempt of court and why they should also not be fined \$1,000 per day for every day thereafter until certain records are produced.

Under Sections 5 and 13 of the MDL Resolution Program Term sheet, dated April 30, 2004, enrollees are to submit claim forms and medical records in support of their claims. Without these records, enrollees will be unable to have their claims processed for eligibility. At this time, it is critical that claimants be given access to their medical records or those of their decedents.

The Court has authorized these requests,¹ and certain records have not been produced. On December 8, 2008, this Court issued an order for such medical records providers to show

¹As the court presiding over this multi-district litigation proceeding, this Court has the authority and jurisdiction to enforce its orders in each of the 94 federal judicial districts of the United States. *See* 28 U.S.C. § 1407(b) (“The judge or judges to whom such actions are assigned ... may exercise the powers of a district judge in any district....”).

cause on this date why they should not be held in contempt of Court. The hospitals that submitted the requested documents to the office of the Special Master were exempted from the show cause hearing. The Special Master's Office has reported as to the medical records providers who have complied with this order. The hearing today was duly noticed.

Matthew Cott appeared on behalf of Singing River Hospital, and explained that Singing River Hospital is currently processing the request. The Court finds the response adequate. Singing River Hospital shall be exempt from this order.


Angie Paternostro attended the hearing on behalf of the Special Master's Office. She advised the Court that Hardy Wilson Memorial Hospital has also complied with the Court's order and submitted the requested information. Hardy Wilson Memorial Hospital shall be exempt from this order.

None of the other medical records providers have responded. Accordingly, the following medical records providers are held in contempt:

Jefferson Anderson Regional Medical Center (MED)
Hospital Pharmacy * AL
Dr. James W. Roat
Children's Hospital Medical Center OH (MED)
Warminster General Hospital (MED)
Mayo Clinic, MN

They are ordered to pay a fine of \$1,000 per day for every day until the requested records are produced. The fine will start on January 5, 2009, fourteen (14) days from today. If the documents are produced on or before that date, the contempt will be purged.

New Orleans, Louisiana this 23rd day of December 2008


UNITED STATES DISTRICT JUDGE

cc: Special Master Patrick Juneau

Clerk to serve by certified mail:

Medical Records Providers Subject to this Order:

1. **Jefferson Anderson Regional Medical Center (MED)**
Attn: Trinity Cook, Director of Medical Records
2124 14th Street
Meridian, MS 39301
Claimant: Tonnie Marshall

2. **Singing River Hospital**
Attn: Prissy, Supervisor, Release of Information
2809 Bienville Blvd.
Ocean Springs, MS 39564
Claimant: George McClain
EXEMPT

3. **Hospital Pharmacy * AL**
Attn: Charles Cook, Supervisor
170 5th Street SW
Vernon, AL 35592
Mail:
P.O. Box 1010
Vernon, AL 35592
Claimant: Houston Porter

4. **Dr. James W. Roat**
2910 Hamilton Blvd. # A
Sioux City, IA 51104
Claimant: Camylle Sudduth

5. **Children's Hospital Medical Center OH (MED)**
Attn: Betsy Otten, Medical Records PI Coordinator
3333 Burnett Avenue
MLC 5015
Cincinnati, OH 45229
Claimant: Javell Baggett

6. **Warminster General Hospital (MED)**
Attn: Marlene Fricker, Medical Records Supervisor
1200 Old York Road
Abington, PA 19001

Claimants: Joseph Loughlin

7. **Mayo Clinic, MN**
Attn: Carman Diedrich, Correspondence Coordinator
200 1st Street SW
Rochester, MN 55905
Claimant: Camylle Sudduth

8. **Hardy Wilson Memorial Hospital (MED)**
Attn: Alice Thornton, Director of Medical Records
233 Magnolia Street
Hazlehurst, MS 39083
Mail:
P.O. Box 889
Hazlehurst, MS 39083
Claimant: Lovie White
EXEMPT