

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

IN RE: BENICAR (OLMESARTAN)  
PRODUCTS LIABILITY LITIGATION

\* CIVIL NO. 15-2606 (RBK)(JS)

\* HON. ROBERT B. KUGLER

THIS DOCUMENT RELATES TO  
ALL ACTIONS

\* HON. JOEL SCHNEIDER

\*

\*\*\*\*\*

CASE MANAGEMENT ORDER NO. 23

IT IS HEREBY ORDERED:

Records Collection Process

1) Defendants have engaged The MCS Group (“MCS”) to collect records in the HTN Litigation. Plaintiffs may order their own records or copies of records identified for collection by Defendants, subject to the cost provisions below.

2) Both parties will have access to individual secure portals where all providers identified for collection are available for view, status updates are provided, and records may be accessed. Records will only be made accessible to parties who have ordered/purchased them.

3) Plaintiffs do not have to pay a fee for access to MCS’ secure portal for the purpose of determining if they wish to order copies of any records. If plaintiffs so request, they must be able to identify the records on the portal before deciding if they want to order copies.

4) After records are requested for a specific plaintiff, counsel will receive a list of provider locations (“Counsel Cards”) for each request made by the other party. This notification will be sent via email. A sample Counsel Card is attached.

5) The parties will be able to request copies of all records collected for a plaintiff or order specific record sets by identifying particular providers for that plaintiff. If one party requests access to records that have already been collected and purchased by the other party through MCS, that party will be charged for half of the fees to obtain the records, as well as MCS’s copying/production charge, and the original purchaser will receive a credit for half of the collection costs. MCS will not double charge for any fees or costs.

6) If a plaintiff requests records under this protocol from MCS for a provider from whom that plaintiff had already collected records before entry of the Court’s Order Re: Medical Records Protocol, on March 18, 2016, defense counsel shall provide a copy of the records from that provider to plaintiff’s counsel without charge.

7) Should plaintiffs choose to order records through MCS, a separate written agreement will be required, on mutually acceptable terms between MCS and Plaintiffs, wherein plaintiffs' counsel accepts responsibility for payment for their share of invoices prior to providing copies on any requests.

**Costs for Shared Collections**

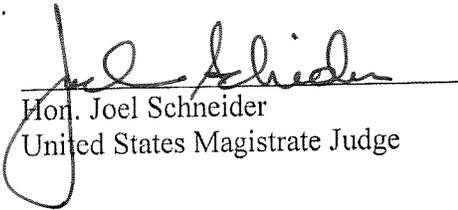
1) Shared fees generally include:

- a) Authorization Request fee.
- b) Page fees.
- c) Custodian fees.
- d) Shipping/postage/long distance fees.
- e) Excessive follow-up fees.
- f) Rush collection fees.

2) Non-shared fees generally include:

- a) Physical Evidence handling and shipping fees.
- b) Production of records outside The MCS Group's website(s) fees (i.e. hard copies, CDs of records).
- c) Special ad hoc reporting fees.
- d) Administrative fees associated with cost-share opt-in, opt-out and maintenance fees.

Camden, New Jersey, this 19<sup>th</sup> day of April, 2016.

  
\_\_\_\_\_  
Hon. Joel Schneider  
United States Magistrate Judge



1601 MARKET STREET - SUITE #800 - PHILADELPHIA, PA 19103 - Phone (800) 473-5003 - Fax (215) 531-5751

REQUEST FOR COPIES OF RECORDS / MATERIALS

Date: September 24, 2015

RECORDS PERTAINING TO:

MCS REFERENCE #:

Ordering Information

IMPORTANT!!! Please complete this form and fax it to (215) 531-5751 or email it to <counsel-card-phl@themcsgroup.com> within 20 days of receipt. We do not retain file copies of records or materials. To order copies you must return the completed form within 20 days of receipt.

1) I wish to order ALL RECORDS / MATERIALS REQUESTED

2) I wish to order the FOLLOWING RECORDS / MATERIALS ONLY:

Medical Records X-Rays/Films/CDs

Billing Records Pathology Materials

\*If both Medical & Billing records are requested on the same location request, these records will NOT be separated.

3) I wish to order the FOLLOWING LOCATIONS ONLY:

See attached Location List. Write the location numbers below /or/ Check them off on the Location List and return with this form.

4) I DO NOT wish to receive AFFIDAVITS OF NO RECORDS.

5) I would like you to ADVISE ME OF THE COST before I place my order.

6) I would like to REVIEW the records / materials before I place my order.

Record Delivery Information

Paper Copy Only Electronic Copy Only Both Paper Copy and Electronic Copy

Send Electronic Records To:\*

Print Name

E-mail Address (Required for electronic records)

\* All records will be uploaded to our website (MCSDirect) to be downloaded.

Billing Information

Option 1: Bill Firm Directly

Firm File Number: NO

Option 2: Bill a Third Party

Company Name (Third Party)

Claim Number

Address

Contact/Adjuster Name

City, State, Zip

Phone Number

Send paper copy of records to adjuster

Send electronic copy of records to adjuster

Adjuster E-mail Address (Required for electronic records)

Must Sign Below

SIGN HERE



Attorney / Paralegal / Authorized Signature

Date



1601 MARKET STREET - SUITE #800 - PHILADELPHIA, PA 19103 - Phone (800) 473-5003 - Fax (215) 531-5751

Location List

**Location List 'A'**

ALLEGHENY GENERAL HOSPITAL	MEDICAL RECORDS
ALLEGHENY GENERAL HOSPITAL	BILLING ONLY
ALLEGHENY GENERAL HOSPITAL	RADIOLOGY
ALLEGHENY GENERAL HOSPITAL	PATHOLOGY
LIBERTY MUTUAL INSURANCE COMPANY	INSURANCE RECORDS
BUREAU OF DRIVER LICENSING	DRIVING RECORDS
ERIE INSURANCE COMPANY	INSURANCE RECORDS
MIKE JOYCE AUTOMOTIVE	RECORDS
NORTHWEST EMS	EMS RECORDS
BELLEVUE BOROUGH FIRE DEPARTMENT	EMS RECORDS
FAIRVIEW VOLUNTEER FIRE DEPARTMENT	EMS RECORDS
AVALON VOLUNTEER FIRE DEPARTMENT	EMS RECORDS
BEN AVON VOLUNTEER FIRE DEPARTMENT	EMS RECORDS
BELLEVUE POLICE DEPARTMENT	RECORDS
BOROUGH OF AVALON POLICE DEPARTMENT	RECORDS
OHIO TOWNSHIP POLICE DEPARTMENT	RECORDS
ALLEGHENY COUNTY POLICE DEPARTMENT	RECORDS
CBS LOCAL MEDIA/KDKA	RECORDS
TEAM TOYOTA OF PRINCETON	RECORDS
BAIERL CHEVROLET	RECORDS
BAIERL TOYOTA	RECORDS
KENNY ROSS TOYOTA	RECORDS
RYAN AUTOMOTIVE, INC.	RECORDS