

**TENNESSEE CLINICS SERVED WITH SUBPOENA IN LITIGATION**  
**INVOLVING MENINGITIS OUTBREAK**

Discovery begins in cases consolidated in U.S. District Court in Massachusetts

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(Nashville, TN) June 17, 2013. St. Thomas Outpatient Neurological Center (and its related affiliates), PCA Pain Clinic, and Specialty Surgery Center, were served with a subpoena requiring each to turn over documents in its possession that could shed light on allegations that its patients received injections of tainted medication that led to serious illness. The subpoenas seek information about contaminated methylprednisolone acetate (“MPA”) and also seek information about other potentially contaminated medications, including cardioplegic solution (used during heart surgeries) and ophthalmic (eye) solution believed to have been provided to patients in Tennessee.

The subpoena originated in the U.S. District Court for the District of Massachusetts, which is overseeing the consolidation of most cases in Federal and state court alleging personal injury or wrongful death as a result of the contaminated injections. The subpoena was issued by attorneys working in conjunction with a seven-member Plaintiffs’ Steering Committee appointed by the District Court to initiate, coordinate and conduct all pretrial discovery of plaintiffs in all actions pending in that court. The purpose of the subpoena is to investigate facts material to ongoing proceedings in the consolidated cases in Massachusetts, and does not necessarily indicate wrongdoing on the part of the clinic. The issuance of the subpoena should not be interpreted as an allegation of wrongdoing on the part of the clinic.

The Tennessee clinics were three of many clinics nationwide identified by the Centers for Disease Control and Prevention (CDC) as having purchased and administered vials of contaminated MPA that were produced by New England Compounding Pharmacy, Inc., (“NECP”) of Framingham, Massachusetts. The CDC has reported 152 cases, including 79 cases of fungal meningitis infection and 15 deaths, linked to the tainted compound in the state of Tennessee alone.

The subpoenas require these clinics to produce for examination or copying, documents and communications between the clinic and NECP, including information reflecting purchasing decisions, items purchased, dates, quantities, pricing, storage of the medication and more.

According to J. Gerard Stranch, IV, an attorney with Branstetter, Stranch & Jennings, PLLC, this subpoena signals the next step of an ongoing investigation of the role clinics played in the distribution of contaminated medication. “We believe the information we receive from St. Thomas Outpatient Neurological Center (and its related affiliates), PCA Pain Clinic, and Specialty Surgery Center will help us understand how the outbreak of fungal meningitis infections occurred,” Mr. Stranch said.

The outbreak of fungal meningitis infections is the worst such outbreak in U.S. history. The CDC has recorded more than 700 infections nationwide, and has not ruled out the possibility that this number will continue to grow.

As a result of the large number of actual and anticipated civil lawsuits arising from the outbreak, NECP filed for reorganization under Chapter 11 of the United State Bankruptcy Code, in the U.S. Bankruptcy Court in Massachusetts, on December 21, 2012. On February 12, 2013, the United States Judicial Panel on Multidistrict Litigation ordered the consolidation of all Federal cases in the U.S. District Court in Massachusetts.

On April 9, 2013, the Hon. F. Dennis Saylor, IV, presiding United States District Court Judge, appointed the Plaintiffs' Steering Committee, of which Thomas M. Sobol, an attorney with the firm Hagens Berman Sobol Shapiro LLP, is lead counsel. Mr. Stranch and Mark Chalos of Lief Cabraser Heimann & Bernstein, LLP are Tennessee based members of the Plaintiffs' Steering Committee. Mr. Stranch is the Tennessee chair and Mr. Chalos acts as Federal/State liaison counsel. The Plaintiffs' Steering Committee anticipates that similar subpoenas will be served in other states affected by the outbreak in the coming days.