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|--------------|---|------------------------------------|
| IN RE        | § | IN THE DISTRICT COURT OF           |
|              | § |                                    |
|              | § | HARRIS COUNTY, TEXAS               |
|              | § |                                    |
| ASBESTOS MDL | § | 11 <sup>TH</sup> JUDICIAL DISTRICT |

**ORDER**

On this day the Court considered the Motion for Destruction of Medical Imaging, Subject to Any Special Appearances, Motions to Transfer Venue, or Other Reservation of Rights in This Matter. The Court, having carefully considered the Motion, the arguments of counsel, and all other matters before the Court pertaining to the Motion ORDERS as follows:

1. Each Plaintiff is entitled by state and federal law to the return of medical imaging pertaining to the Plaintiff that is currently in the possession of any Defendant
2. Any Defendant in possession of medical imaging pertaining to any Plaintiff is, pursuant to HIPAA and other applicable law, required to safeguard those materials and, if requested by any Plaintiff, to return any such materials to the Plaintiff.
3. Any Defendant in possession of medical imaging pertaining to any Plaintiff may securely dispose of medical imaging pertaining to any Plaintiff by obtaining authorization from Plaintiff's counsel to securely dispose of a Plaintiff's medical imaging in a manner consistent with any applicable requirements of HIPAA and Texas law.
4. To obtain authorization to destroy a Plaintiff's medical imaging, a Defendant's counsel is required to serve on Plaintiff's counsel a notice that identifies the Plaintiff by name and gives a reasonable time of at least 60 days for the Plaintiff's counsel to request return of the medical imaging.

5. Failure of a Plaintiff's counsel to respond, within 60 days of receipt of a notice of intent by Defendant's counsel to destroy medical imaging pertaining to a particular plaintiff constitutes authorization by the Plaintiff's counsel for the Defendant or its counsel to destroy the medical imaging of the Plaintiff identified in the notice.

Signed this 13<sup>th</sup> day of April, 2018.

  
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JUDGE PRESIDING