

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
Southern Division**

In re: )  
SILICONE GEL BREAST IMPLANT ) Master File No. CV 92-P-10000-S  
PRODUCTS LIABILITY LITIGATION )  
(MDL 926) )

**ORDER No. 31D**  
**(Appointing Additional Member of National Science Panel and  
Precluding Ex Parte Communications with Panel Members)**

Pursuant to Order No. 31 and 31B, the court hereby appoints, with her consent, the following person to serve under Rule 706 of the Federal Rules of Evidence on the national Science Panel:

Dr. Nancy I. Kerkvliet, Professor and Extension Toxicologist Specialist, Department of Agricultural Chemistry, Oregon State University, Corvallis, Oregon, USA

Dr. Kerkvliet has outstanding academic credentials, has been extensively published, is highly regarded and respected in the scientific community, and was unanimously recommended for court appointment by the Selection Panel. The court further concludes that she does not have any current or past affiliation, relationship, or association that would impair her neutrality or objectivity. With Dr. Kerkvliet's appointment, the panel will now have expertise in the fields of Epidemiology, Immunology, Rheumatology, and Toxicology on which to draw in performing the tasks that may be assigned to it.

Until otherwise ordered, the Court further directs and enjoins all litigants and implant recipients, their counsel, and their potential lay or expert witnesses from communicating, without prior court approval, with any of the members of the national Science Panel regarding issues in breast-implant litigation, whether by letter, by telephone, by E-mail communications, or by other means. If members of the national Science Panel receive any such unauthorized communications, they either should decline to respond or acknowledge such communications or should indicate that such communications are inappropriate.

At an appropriate time the Court will schedule a conference with the appointees to outline their

duties, at which the parties may participate as provided in Rule 706(a).  
This the 17th day of September, 1996.

/s/ Sam C. Pointer, Jr.  
Chief Judge Sam C. Pointer, Jr.