

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: KUGEL MESH HERNIA PATCH  
PRODUCTS LIABILITY LITIGATION**

Rebecca May v. C.R. Bard, Inc., et al., )  
S.D. Ohio, C.A. No. 2:11-01059 ) MDL No. 1842

**TRANSFER ORDER**

**Before the Panel:**\* Pursuant to Panel Rule 7.1, plaintiff moves to vacate our order conditionally transferring this action (*May*) to MDL No. 1842. Defendants C.R. Bard, Inc. (Bard) and Davol, Inc. (Daval) oppose the motion.

Plaintiff argues against transfer, *inter alia*, that the pretrial proceedings in MDL No. 1842 have largely concluded and little benefit would be gained from transfer of the action at this time. We respectfully disagree. Transfer of this action, in which the plaintiff seeks to recover for personal injuries allegedly caused by implantation of a hernia patch at issue in MDL No. 1842, is consistent with the Panel's previous transfer orders in this docket, and will allow the action to proceed before a transferee judge who is already familiar with the complex questions at issue in this litigation. The status of the proceedings in MDL No. 1842 does not preclude transfer. The transferee judge has been successful in resolving claims in a timely fashion, and transfer likely will aid a quicker resolution of plaintiff's claims, as well. Whenever the transferee judge deems that centralized proceedings in MDL No. 1842 are no longer appropriate and remand of any claims or actions is warranted, procedures are available whereby this may be accomplished with a minimum of delay. *See* Panel Rules 10.1-10.3. Plaintiff also argues that transfer will delay case-specific discovery in her case. The Panel repeatedly has held that, while transfer of a particular action might inconvenience some parties to that action, such transfer is often necessary to further the expeditious resolution of the litigation taken as a whole. *See, e.g., In re Crown Life Ins. Premium Litig.*, 178 F. Supp. 2d 1365, 1366 (J.P.M.L. 2001).

After considering all argument of counsel, we find this action involves common questions of fact with the actions previously transferred to MDL No. 1842, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Like the already-centralized actions, this action involves factual questions arising from allegations of defects in a hernia patch manufactured and sold by Bard and Davol. *See In re Kugel Mesh Hernia Patch Prods. Liab. Litig.*, 493 F.Supp.2d 1371 (J.P.M.L. 2007).

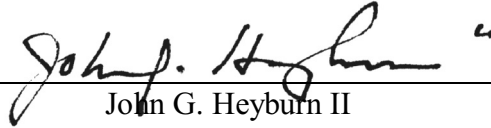
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\* Judge Kathryn H. Vratil took no part in the decision of this matter.

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IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, this action is transferred to the District of Rhode Island and, with the consent of that court, assigned to the Honorable Mary M. Lisi for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



A handwritten signature in cursive script, reading "John G. Heyburn II", is written above a horizontal line. The signature is in black ink and includes a small mark at the end that looks like a double quote.

John G. Heyburn II  
Chairman

W. Royal Furgeson, Jr.  
Paul J. Barbadoro  
Charles R. Breyer

Barbara S. Jones  
Marjorie O. Rendell