

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: YASMIN AND YAZ (DROSPIRENONE)
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

MDL No. 2100

ORDER DENYING REMAND

Before the Panel:* Pursuant to Panel Rule 10.3, plaintiff Maryam Bennett, who is proceeding *pro se*, moves for an order remanding her action, which is listed on the attached Schedule A, to the Northern District of Georgia.¹ Responding defendant Bayer HealthCare Pharmaceuticals Inc. opposes the motion.

In seeking remand, plaintiff contends that the transferee judge, the Honorable David R. Herndon, is biased against her, and that lead defense counsel has lied on the record and defamed her.² The record does not support plaintiff's contentions, which appear to be largely grounded on her dissatisfaction with certain rulings made following the action's transfer to the MDL. Such dissatisfaction is an insufficient basis to warrant remand.³ *See In re: Molinaro/Catanzaro Patent Litig.*, 402 F. Supp. 1404, 1406 (J.P.M.L. 1975).

* Judge Marjorie O. Rendell and Judge Lewis A. Kaplan took no part in the decision of this matter.

¹ On March 18, 2014, this action was terminated in the transferee district, following the entry of the transferee judge's order dismissing the case with prejudice for failure to comply with Case Management Order Number 61. Thereafter, however, plaintiff filed two motions for post-judgment relief. In these circumstances, we conclude that plaintiff's motion for Section 1407 remand is not moot.

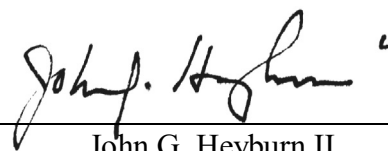
² In December 2013, Judge Herndon denied plaintiff's request that he issue a suggestion of remand. As we previously have explained, such a suggestion is an indication that the transferee judge perceives his or her role under Section 1407 to have ended. *See In re: Columbia/HCA Healthcare Corp. Qui Tam Litig. (No. II)*, 560 F. Supp. 2d 1349, 1350 (J.P.M.L. 2008). In considering the question of Section 1407 remand, we consistently have accorded great weight to a suggestion of remand, given that the transferee judge has supervised the day-to-day pretrial proceedings in the MDL. *See In re Holiday Magic Sec. & Antitrust Litig.*, 433 F. Supp. 1125, 1126 (J.P.M.L. 1977).

³ Plaintiff asserts that she has filed complaints with the relevant disciplinary authorities regarding the purportedly improper conduct of the judge and defense counsel. The mere filing of such complaints does not warrant remand.

- 2 -

IT IS THEREFORE ORDERED that the motion for Section 1407 remand of this action is denied.

PANEL ON MULTIDISTRICT LITIGATION

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

John G. Heyburn II
Chairman

Charles R. Breyer
Ellen Segal Huvelle

Sarah S. Vance

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MDL No. 2100

SCHEDULE A

Northern District of Georgia

BENNETT, ET AL. V. BAYER HEALTHCARE PHARMACEUTICALS INC., ET AL.,
C.A. No. 2:13-00112 (S.D. Illinois, C.A. No. 3:13-20026)