

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

Maryam T. Bennett, et al. v. Bayer Healthcare)	
Pharmaceuticals Inc., et al.,)	MDL No. 2100
N.D. Georgia, C.A. No. 2:13-00112)	

TRANSFER ORDER

Before the Panel:* Pursuant to Panel Rule 7.1, plaintiffs in this action (*Bennett*), who are proceeding *pro se*, move to vacate our order conditionally transferring the action to the Southern District of Illinois for inclusion in MDL No. 2100. Bayer HealthCare Pharmaceuticals Inc. opposes the motion.

In their motion to vacate, plaintiffs principally argue that transfer would inconvenience them and possibly result in their incurring extra expense. We find this argument unpersuasive. Transfer will afford plaintiffs access to the substantial discovery already conducted in the MDL. In addition, it will allow the litigation of plaintiffs' claims to be supervised by a judge highly familiar with the factual allegations underlying those claims. As with any MDL, transfer should not affect the location(s) where the depositions of plaintiffs and their local witnesses take place. *See, e.g., In re Baldwin-United Corp Litig.*, 581 F. Supp. 739, 740 (J.P.M.L. 1984) (“[T]here is usually no need for the parties and witnesses to travel to the transferee district for depositions or otherwise.”). Plaintiffs' argument that theirs is not a class action is also unavailing, as virtually all the actions in the MDL are individual personal injury cases.

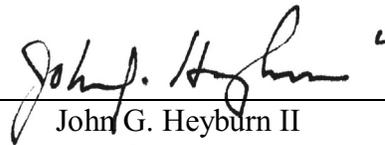
After considering all argument of counsel, we find that this action involves common questions of fact with actions in this litigation previously transferred to MDL No. 2100, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Moreover, transfer is warranted for reasons set out in our original order directing centralization. In that order, we held that the Southern District of Illinois was an appropriate Section 1407 forum for actions “shar[ing] factual questions relating to [the safety of] at least one of the drospirenone-containing oral contraceptives Yaz and Yasmin.” *See In re: Yasmin, Yaz (Drospirenone) Mktg., Sales Practices & Prods. Liab. Litig.*, 655 F. Supp. 2d 1343, 1343 (J.P.M.L. 2009). Like many plaintiffs already in the MDL, the plaintiff wife in *Bennett* alleges that she suffered gallbladder injury as a result of taking Yasmin.

* Judge Sarah S. Vance 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, the actions listed on Schedule A are transferred to the Southern District of Illinois, and, with the consent of that court, assigned to the Honorable David R. Herndon for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



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

John G. Heyburn II
Chairman

Kathryn H. Vratil
Marjorie O. Rendell
Lewis A. Kaplan

Paul J. Barbadoro
Charles R. Breyer