UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: C.R. BARD, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION MDL No. 2187

TRANSFER ORDER

Before the Panel:[*] Pursuant to Panel Rule 7.1, plaintiffs in the actions listed on Schedule A move to vacate our orders conditionally transferring their actions to MDL No. 2187. Defendant C.R. Bard, Inc. (Bard) opposes the motions to vacate.

After considering all argument of counsel, we find these actions involve common questions of fact with the actions previously transferred to MDL No. 2187, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiffs do not dispute that their actions share questions of fact with MDL No. 2187. Like many of the already-centralized actions, these five actions involve factual questions arising from allegations that pelvic surgical mesh products manufactured by Bard and related entities were defectively designed, manufactured and marketed, resulting in serious injuries, and that defendants failed to provide appropriate warnings and instructions regarding the risks and dangers posed by the devices. *See In re: Avaulta Pelvic Supports Sys. Prods. Liab. Litig.*, 746 F. Supp. 2d 1362 (J.P.M.L. 2010); Order Renaming Litigation, MDL No. 2187 (J.P.M.L. Feb. 13, 2012).

In support of the motions to vacate, plaintiffs argue that these actions were improperly removed and plaintiffs' motions to remand to state court are pending. The Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present such arguments to the transferee judge.[1] *See, e.g., In re: Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001).

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[*] Judge Marjorie O. Rendell and Judge Lewis A. Kaplan did not participate in the disposition of this matter.

[1] Moreover, under Panel Rule 2.1(d), the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand or other motion is filed and the date the Panel finalizes transfer of the action to the MDL, a court wishing to rule upon that motion generally has adequate time to do so.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, these actions are transferred to the Southern District of West Virginia and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

John G. Heyburn II
Chairman

Paul J. Barbadoro
Sarah S. Vance

Charles R. Breyer
Ellen Segal Huvelle

IN RE: C.R. BARD, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION MDL No. 2187

SCHEDULE A

Eastern District of Missouri

Barbara Karnes, et al. v. C.R. Bard, Inc., E.D. Missouri, C.A. No. 4:13-01681

Western District of Oklahoma

Jeannetta Smith, et al. v. C.R. Bard, Inc., W.D. Oklahoma, C.A. No. 5:13-00803
Dixie Sorenson, et al. v. C.R. Bard, Inc., W.D. Oklahoma, C.A. No. 5:13-00806
Hayley McClesky, et al. v. C.R. Bard, Inc., W.D. Oklahoma, C.A. No. 5:13-00849
Diane Weed, et al. v. C.R. Bard, Inc., W.D. Oklahoma, C.A. No. 5:13-01012