

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 six actions listed on Schedule A move to vacate our order that conditionally transferred their respective actions to MDL No. 2187. Responding defendant Covidien plc (Covidien) opposes the motion 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. Moreover, transfer is warranted for reasons set out in our order directing centralization. In that order, we held that the Southern District of West Virginia was an appropriate Section 1407 forum for actions sharing factual questions arising from alleged injuries from pelvic surgical mesh products manufactured by C.R. Bard, Inc. (Bard) and related entities. *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). These actions involve injuries from implantation of Bard pelvic surgical mesh products, and clearly fall within the MDL's ambit.

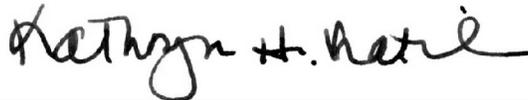
In support of their motion to vacate, plaintiffs argue that these actions were improperly removed and plaintiffs' motions to remand to state court are pending. The Panel has often held that jurisdictional issues do not present an impediment to transfer. *See, e.g., In re: Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001). Moreover, plaintiffs' motions to remand to state court have already been denied by the District of Massachusetts. That these actions do not name Bard as a defendant also is not a bar to transfer. The Panel has long held that centralization does not require a complete identity of parties. *See, e.g. In re: Navistar 6.0 L Diesel Engine Prods. Liab. Litig.*, 777 F. Supp. 2d 1347, 1348 (J.P.M.L. 2011). Notably, these actions involve the very same pelvic mesh products at issue in MDL No. 2187.

* Judge John G. Heyburn II did not participate in the disposition of this matter.

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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



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Charles R. Breyer

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SCHEDULE A

District of Massachusetts

Colleen M. Hayes v. Covidien plc, C.A. No. 1:12-12356
Katheryn Hutto v. Covidien plc, C.A. No. 1:12-12358
Clara Evelyn Shinn v. Covidien plc, C.A. No. 1:12-12359
Julia L. Reineck v. Covidien plc, C.A. No. 1:12-12360
Laverne May Johnson v. Covidien plc, C.A. No. 1:12-12361
Violet L. Pangborn v. Covidien plc, C.A. No. 1:12-12363