

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 eleven actions listed on Schedule A move to vacate our orders that conditionally transferred their respective actions to MDL No. 2187. Responding 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. 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 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.

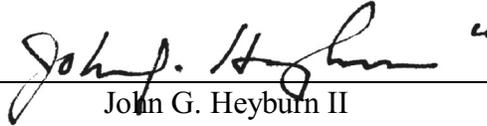
Plaintiffs base their arguments against transfer primarily on the pendency of motions to remand their respective actions to state court. Plaintiffs in these actions can present their motions for remand to the transferee judge.¹ *See, e.g., In re Ivy*, 901 F.2d 7, 9 (2nd Cir. 1990); *In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

¹ Panel Rule 2.1(d) expressly provides that 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 motion is filed and the date that transfer of the action to the MDL is finalized, a court wishing to rule upon the remand motion generally has adequate time in which to do so.

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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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**IN RE: C.R. BARD, INC., PELVIC REPAIR SYSTEM
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MDL No. 2187

SCHEDULE A

District of Massachusetts

Lana Joy Mirabal v. C. R. Bard, Inc., C.A. No. 1:12-11559
Alma Olga Rivas v. C.R. Bard, Inc., et al., C.A. No. 1:12-11561
Lynette Louise Rice v. C.R. Bard Inc., C.A. No. 1:12-11563
Lisa Hommes v. C.R. Bard, Inc., C.A. No. 1:12-11564
Sondra Lorene Sanborn v. C.R. Bard, Inc., C.A. No. 1:12-11567
Kimberly Dawn Weyker v. C.R. Bard, Inc., et al., C.A. No. 1:12-11568
Sheryl Lynn Ratchenski v. C.R. Bard, Inc., et al., C.A. No. 1:12-11569
Shella Wozniak Poole v. C.R. Bard, Inc., et al., C.A. No. 1:12-11571
Cathleen Lorraine Izard v. C.R. Bard, Inc., et al., C.A. No. 1:12-11573
Lisa M. LaFranca v. C. R. Bard, et al., C.A. No. 1:12-11625
Susan F. Wilson v. C. R. Bard, C.A. No. 1:12-11626