

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: DEPUY ORTHOPAEDICS, INC., ASR HIP IMPLANT  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2197

**TRANSFER ORDER**

**Before the Panel:**\* Pursuant to Panel Rule 7.1, plaintiffs in fourteen actions listed on Schedule A move to vacate our orders that conditionally transferred their respective actions to MDL No. 2197. Responding defendants<sup>1</sup> oppose 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. 2197, 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 Northern District of Ohio was an appropriate Section 1407 forum for actions sharing factual questions arising from alleged injuries from DePuy's recalled ASR XL Acetabular Hip System. *See In re DePuy Orthopaedics, Inc., ASR Hip Implant Prods. Liab. Litig.*, 753 F.Supp.2d 1378 (J.P.M.L. 2010). These actions all involve injuries from implantation of DePuy ASR hip implants, and clearly fall within the MDL's ambit.

None of the plaintiffs dispute that their actions share questions of fact with actions pending in MDL No. 2197. Plaintiffs instead 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.<sup>2</sup> *See, e.g., In re Ivy*, 901 F.2d 7 (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).

---

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

<sup>1</sup> DePuy Orthopaedics, Inc., DePuy International Ltd., and DePuy, Inc. (collectively DePuy); Johnson & Johnson International, Johnson & Johnson Medical Ltd., Johnson & Johnson Services, Inc., and Johnson & Johnson; DJD Medical, Inc. and Simpson and Associates, Inc.

<sup>2</sup> 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 usually has adequate time in which to do so.

-2-

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, these actions are transferred to the Northern District of Ohio and, with the consent of that court, assigned to the Honorable David A. Katz for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "John G. Heyburn II". The signature is written in a cursive style with a double underline at the end.

---

John G. Heyburn II  
Chairman

Paul J. Barbadoro  
Sarah S. Vance

Charles R. Breyer  
Ellen Segal Huvelle

**IN RE: DEPUY ORTHOPAEDICS, INC., ASR HIP IMPLANT  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2197

**SCHEDULE A**

District of Massachusetts

Anne Antonelli, et al. v. DJD Medical, Inc., et al., C.A. No. 1:13-11835  
Linda Bailey, et al. v. DJD Medical, Inc., et al., C.A. No. 1:13-11837  
Dennis Cowan, et al. v. DJD Medical, Inc., et al., C.A. No. 1:13-11838  
Melanie Dukas v. DJD Medical, Inc., et al., C.A. No. 1:13-11839  
James Filkins, et. al. v. DJD Medical, Inc., et al., C.A. No. 1:13-11840  
Melford Hamilton, et al. v. DJD Medical, Inc., et al., C.A. No. 1:13-11842  
Jeffrey Havlick, et al. v. DJD Medical, Inc., et al., C.A. No. 1:13-11843  
Wayne Mendoza, et al. v. DJD Medical, Inc., et al., C.A. No. 1:13-11845  
Lucy Sahagian, et al. v. DePuy Orthopaedics, Inc., et al., C.A. No. 1:13-11849  
Heidi Warren, et al. v. DJD Medical, Inc., et al., C.A. No. 1:13-11851  
Elizabeth Wynne, et al. v. DJD Medical, Inc., et al., C.A. No. 1:13-11852  
Jodi Bennett v. DJD Medical, Inc., et al., C.A. No. 1:13-11890  
Sharon Parker v. DJD Medical, Inc., et al., C.A. No. 1:13-11892

District of Minnesota

Debra J. Youngdahl v. DePuy Orthopaedics, Inc., et al., C.A. No. 0:13-02468