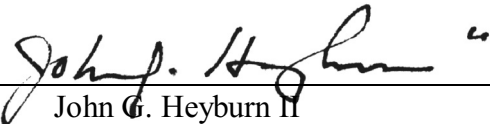


-2-

The Panel often has held that jurisdictional issues do not present an impediment to transfer.² *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). Nor does the presence of unique state law claims bar transfer. *See In re: Kugel Mesh Hernia Patch Prods. Liab. Litig.*, 493 F. Supp. 2d 1371, 1373 (J.P.M.L. 2007) (“Transfer under Section 1407 does not require a complete identity or even a majority of common factual or legal issues as a prerequisite to transfer.”); *In re: Air West, Inc., Sec. Litig.*, 384 F. Supp. 609, 611 (J.P.M.L. 1974) (“[T]he mere fact that divergent legal theories are asserted arising out of the same substantive claims and allegations presents no bar to a Section 1407 transfer.”) (citations omitted). Additionally, we have rejected in this very litigation arguments that a particular action should not be transferred so that it may be coordinated with similar actions brought by the same plaintiffs. *See, e.g.,* Transfer Order, MDL No. 2265 (J.P.M.L. Feb. 7, 2012). Finally, we do not agree that the status of proceedings in this MDL counsels against transfer. Discovery is not close to completion, the transferee court must address motions to dismiss in several cases, and several cases were only recently transferred to the MDL.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, this action is transferred to the Central District of California and, with the consent of that court, assigned to the Honorable Mariana R. Pfaelzer for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II
Chairman

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

Paul J. Barbadoro
Charles R. Breyer
Sarah S. Vance

² 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.