

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: AMERICAN MEDICAL SYSTEMS, INC.,
PELVIC REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION**

MDL No. 2325

ORDER DENYING REMAND

Before the Panel:* Plaintiffs in 71 actions (listed on Schedule A), which we previously transferred from fourteen districts to MDL No. 2325, move under Panel Rule 10.3 for an order remanding their actions to their transferor courts. Responding defendant American Medical Systems, Inc. (AMS) opposes the motion to vacate.

After considering the argument of counsel, we conclude that remand is not appropriate at this time, and therefore deny plaintiffs' motion. In considering the question of Section 1407 remand, we accord great weight to the transferee judge's determination that remand of a particular action at a particular time is appropriate, given that he or she has supervised the day-to-day pretrial proceedings in the MDL. *See In re: Holiday Magic Sec. & Antitrust Litig.*, 433 F. Supp. 1125, 1126 (J.P.M.L. 1977). The transferee judge's suggestion of remand to the Panel, *see* Panel Rule 10.1(b), is obviously an indication that he or she perceives his role under Section 1407 to have ended. *See In re: Columbia/HCA Healthcare Corp. Qui Tam Litig. (No. II)*, 560 F. Supp. 2d 1349, 1350 (J.P.M.L. 2008). Here, Judge Joseph R. Goodwin of the Southern District of West Virginia has not issued such a suggestion. Without a suggestion of remand, a party advocating Section 1407 remand "bears a strong burden of persuasion." *In re: Holiday Magic*, 433 F. Supp. at 1126.

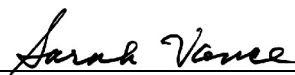
In requesting remand, plaintiffs argue that common discovery in these actions is complete, and that it would be more appropriate for the transferor courts to address remaining common pretrial motions. Plaintiffs have not met their burden of showing that pretrial proceedings are essentially complete, or that continued centralization would not serve the convenience of the parties and witnesses or promote the just and efficient conduct of the litigation. Several common pretrial motions remain unresolved, and absent an indication from the transferee judge, we cannot conclude that they would be more efficiently addressed by the transferor courts.

IT IS THEREFORE ORDERED that the motion for Section 1407 remand of these actions is denied.

* Judge Charles R. Breyer took no part in the decision of this matter.

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PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script that reads "Sarah S. Vance".

Sarah S. Vance

Chair

Marjorie O. Rendell
Ellen Segal Huvelle
Catherine D. Perry

Lewis A. Kaplan
R. David Proctor

**IN RE: AMERICAN MEDICAL SYSTEMS, INC.,
PELVIC REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION**

MDL No. 2325

SCHEDULE A

Northern District of Alabama

WALDROP v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 1:12-02422

RAINES v. AMERICAN MEDICAL SYSTEMS, INC., ET AL., C.A. No. 5:12-02426

GRANT, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 7:12-02427

Southern District of Alabama

CLAYTON, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 1:12-00443

District of Idaho

BRUCE, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 1:12-00396

KENICK v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 1:12-00398

KNIGHT, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 1:12-00399

LEININGER, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 1:12-00403

NELSON, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 1:12-00406

BOOTH, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 1:12-00408

ELLIOTT, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 1:12-00409

LARSON, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-00401

BELNAP, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-00404

SOUTHWOOD, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-00407

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MDL No. 2325 Schedule A Continued

Eastern District of Kentucky

FANNIN, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 0:12-00062
O'BRATH, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 3:12-00046
MURPHY v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 5:12-00205
SMITH, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 5:12-00223
ROBERTS, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 6:12-00121
COOTS, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 6:12-00134
DAVIS, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 6:12-00139

Western District of Kentucky

FLANARY, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 3:12-00381
PENNINGTON, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-00081

Eastern District of Louisiana

WEISKOPF v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 2:12-01842

Western District of Louisiana

DUFOUR v. AMERICAN MEDICAL SYSTEMS, INC., ET AL., C.A. No. 1:12-01896
FUSELIER v. AMERICAN MEDICAL SYSTEMS, INC., ET AL., C.A. No. 6:12-01895

Eastern District of Missouri

BALL, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-00232

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MDL No. 2325 Schedule A Continued

Middle District of Tennessee

HENSLEY, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 1:12-00070
CLARK v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 1:12-00071
KESTNER v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 3:12-00706

Eastern District of Texas

ELLIS, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-00413
PEACOCK, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 6:12-00438

Southern District of Texas

SENDT, ET AL. v. ENDO PHARMACEUTICALS HOLDINGS, INC., ET AL.,
C.A. No. 4:12-00202
CASTILLO, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-02051
REYES, ET AL. v. ENDO PHARMACEUTICAL HOLDINGS, INC., ET AL.,
C.A. No. 4:12-02052
GRUBB, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-02053
KLOTZ, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-02054
CHAUMET v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-02055
CRANFIELD, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-02058
MONTGOMERY- WOODS, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC.,
ET AL., C.A. No. 4:12-02062
THACKER v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-02063
HANSEN, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 4:12-02076
PEREZ, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 6:12-00032

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MDL No. 2325 Schedule A Continued

Southern District of Texas (Cont.)

CAMPBELL, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 7:12-00216
DIAZ v. AMERICAN MEDICAL SYSTEMS, INC., ET AL., C.A. No. 7:12-00221

Western District of Texas

FREEMAN, ET AL. v. AMERICAN MEDICAL SYSTEMS, INC., ET AL.,
C.A. No. 1:12-00610

District of Utah

LINDHARDT, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 1:12-00141
LEINWEBER v. AMERICAN MEDICAL SYSTEMS, ET AL., C.A. No. 1:12-00142
COX, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL., C.A. No. 1:12-00161
STIRDIVANT v. AMERICAN MEDICAL SYSTEMS, ET AL., C.A. No. 1:12-00163
BIRD v. AMERICAN MEDICAL SYSTEMS, ET AL., C.A. No. 2:12-00624
BIRD, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL., C.A. No. 2:12-00625
CROCKER v. AMERICAN MEDICAL SYSTEMS, ET AL., C.A. No. 2:12-00626
GAUTHIER, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00627
MEADOWS v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00629
OWENS v. AMERICAN MEDICAL SYSTEMS, ET AL., C.A. No. 2:12-00630
GILLETTE, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00631
BUTCHER, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00632
COOKE, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00633
VALLEJOS v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00634
GRAY, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00635
LOWE, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00636
LARSEN, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00637

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MDL No. 2325 Schedule A Continued

District of Utah (Cont.)

SHOCK, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00639
STEFANOFF, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00640
THOMPSON, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00641
GILES, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00643
ROJOS-ROGERS, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00644
WILEY, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00645
CAPPS, ET AL. v. AMERICAN MEDICAL SYSTEMS, ET AL.,
C.A. No. 2:12-00745
DUMAS v. AMERICAN MEDICAL SYSTEMS, ET AL., C.A. No. 2:12-00747