

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

Bertha Wages, et al. v. Johnson Regional Medical Center,)
et al., W.D. Arkansas, C.A. No. 2:12-02258)

MDL No. 2325

TRANSFER ORDER

Before the Panel: Pursuant to Panel Rule 7.1, plaintiffs move to vacate our order conditionally transferring this action (*Wages*) to MDL No. 2325. Responding defendant American Medical Systems, Inc. (AMS) opposes the motion.

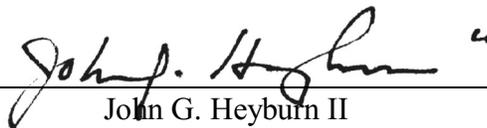
After considering all argument of counsel, we find that *Wages* shares questions of fact with actions in this litigation previously transferred to the Southern District of West Virginia, and that transfer of this action to MDL No. 2325 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Plaintiffs do not dispute that this action shares questions of fact with MDL No. 2325. Like many of the already-centralized actions, *Wages* involves factual questions arising from allegations that pelvic surgical mesh products manufactured by AMS were defectively designed, manufactured and marketed, resulting in serious injuries, and that defendants failed to provide appropriate warnings and instructions regarding the risks and dangers posed by these devices. *See In re: Am. Medical Sys., Inc., Pelvic Repair Sys. Prods. Liab. Litig., et al.*, 844 F. Supp. 2d 1359 (J.P.M.L. 2012).

In support of their motion to vacate, plaintiffs argue that this action was improperly removed and plaintiffs' motion to remand to state court is 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' motion to remand to state court has already been denied by the Western District of Arkansas.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, this action is 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 occurring there in this docket.

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PANEL ON MULTIDISTRICT LITIGATION

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

John G. Heyburn II
Chairman

Kathryn H. Vratil
Paul J. Barbadoro
Charles R. Breyer

W. Royal Furgeson, Jr.
Marjorie O. Rendell
Lewis A. Kaplan