UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: BOSTON SCIENTIFIC CORP.
PELVIC REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION MDL No. 2326

ORDER VACATING CONDITIONAL TRANSFER ORDER

Before the Panel: Pursuant to Panel Rule 7.1, defendant LifeCell Corp. (LifeCell) in this District of Massachusetts action (*Teal*), listed on Schedule A, moves to vacate our order conditionally transferring the action to MDL No. 2326. Common defendant in MDL No. 2326 Boston Scientific Corp. (Boston Scientific) and plaintiff oppose the motion to vacate.

The actions encompassing MDL No. 2326 involve allegations that pelvic surgical mesh products manufactured by Boston Scientific 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 the device. *See In re: Boston Scientific Corp. Pelvic Repair Sys. Prods. Liab. Litig., et al.*, 844 F. Supp. 2d 1359 (J.P.M.L. 2012).

The *Teal* complaint alleges that plaintiff was implanted with a Repliform Tissue Regeneration Matrix (Repliform)—a pelvic surgical mesh product manufactured by LifeCell and packaged, labeled, marketed, and sold by Boston Scientific. LifeCell argues that *Teal* is unique because it involves only a Repliform product, while the products at issue in MDL No. 2326 are manufactured by Boston Scientific. There are products manufactured by other defendants involved in the MDL, but they are in actions in which a pelvic mesh product manufactured by Boston Scientific also is involved. And though there are other actions involving Repliform in the other pelvic mesh MDLs in the Southern District of West Virginia, again, those actions also involve products manufactured by the common defendant to each MDL. *Teal* names Boston Scientific as a defendant, and Boston Scientific is involved in the distribution of the Repliform. The MDL No. 2326 short form complaint, however, does not include the Repliform. For these reasons, we are persuaded that *Teal* will not share many factual and legal issues with the actions in MDL No. 2326 involving pelvic mesh products manufactured by Boston Scientific. We therefore conclude that inclusion of this action in MDL No. 2326 would not serve the convenience of the parties and witnesses or promote the just and efficient conduct of the litigation.

IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-101" is vacated insofar as it relates to this action.

PANEL ON MULTIDISTRICT LITIGATION

John G. Heyburn II
Chairman

Marjorie O. Rendell
Lewis A. Kaplan
Ellen Segal Huvelle
Charles R. Breyer
Sarah S. Vance
R. David Proctor

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PELVIC REPAIR SYSTEM PRODUCTS
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SCHEDULE A

District of Massachusetts

TEAL v. BOSTON SCIENTIFIC CORPORATION, ET AL., C.A. No. 1:14-10408