

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**TRANSFER ORDER**

**Before the Panel:** Plaintiffs in the action listed on Schedule A (*Mayfield*) move under Panel Rule 7.1 to vacate our order conditionally transferring the action to MDL No. 2327. Responding defendants Ethicon, Inc., Ethicon, LLC, and Johnson & Johnson (collectively, Ethicon) oppose the motion to vacate.

After considering the argument of counsel, we find this action involves common questions of fact with the actions previously transferred to MDL No. 2327, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiffs do not dispute that their action shares questions of fact with MDL No. 2327. Like many of the already-centralized actions, *Mayfield* involves factual questions arising from allegations that Ethicon and related entities defectively designed, manufactured, and marketed pelvic surgical mesh products, resulting in serious injuries, and that defendants failed to provide appropriate warnings and instructions regarding the risks and dangers posed by the devices. *See In re: Ethicon, Inc., Pelvic Repair Sys. Prods. Liab. Litig., et al.*, 844 F. Supp. 2d 1359 (J.P.M.L. 2012).

Plaintiffs base their arguments against transfer entirely on the pendency of their motion to remand the action to state court, suggesting that the transferor court should first decide the motion. The Panel repeatedly has held that a motion for remand alone is generally an insufficient basis to vacate a conditional transfer order. *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, the transferor court recently denied the remand motion as to the claims against Ethicon and co-defendant C.R. Bard., Inc.<sup>1</sup>

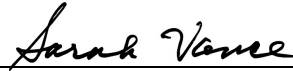
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<sup>1</sup> *See Mayfield v. London Women's Care, PLLC*, C.A. No. 15-0019, 2015 WL 3440492 (E.D. Ky. May 28, 2015).

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IT IS THEREFORE ORDERED that the action listed on Schedule A 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.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Sarah S. Vance", positioned above a horizontal line.

Sarah S. Vance  
Chair

Marjorie O. Rendell  
Lewis A. Kaplan  
R. David Proctor

Charles R. Breyer  
Ellen Segal Huvelle  
Catherine D. Perry

**IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**SCHEDULE A**

Eastern District of Kentucky

MAYFIELD, ET AL. v. LONDON WOMEN'S CARE, PLLC, ET AL., C.A. No. 6:15-0019