

**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:** Plaintiff in the action listed on Schedule A (*Sullivan*) moves under Panel Rule 7.1 to vacate our order conditionally transferring the action to MDL No. 2327. Responding defendants Ethicon, Inc., 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. Plaintiff does not dispute that her action shares questions of fact with MDL No. 2327. Like many of the already-centralized actions, *Sullivan* 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).

In support of the motion to vacate, plaintiff argues, *inter alia*, that (1) her action is unique because she received multiple surgical procedures when the pelvic mesh at issue was implanted; and (2) most parties will be inconvenienced by transfer as they are located in Maryland, where plaintiff's surgery took place. Though this action may present some individual factual issues, "this is usually true of products liability cases and medical device cases, in particular." *In re: Cook Medical, Inc., Pelvic Repair Sys. Prods. Liab. Litig.*, 949 F. Supp. 2d 1373, 1375 (J.P.M.L. 2013). Indeed, many MDL No. 2327 cases also will involve unique factual issues concerning each plaintiff's particular surgery and medical history. Moreover, we have found that, while transfer of a particular action might inconvenience some parties to that action, transfer often is necessary to further the expeditious resolution of the litigation taken as a whole. *See, e.g., In re: Crown Life Ins. Premium Ins. Litig.*, 178 F. Supp. 2d 1365, 1366 (J.P.M.L. 2001).

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.

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PANEL ON MULTIDISTRICT LITIGATION

*Sarah Vance*

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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  
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LIABILITY LITIGATION**

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**SCHEDULE A**

District of Maryland

SULLIVAN v. CALVERT MEMORIAL HOSPITAL, ET AL., C.A. No. 8:15-01188