

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 actions listed on Schedule A move under Panel Rule 7.1 to vacate our orders conditionally transferring their actions to MDL No. 2327. Responding defendants Ethicon, Inc., and Johnson & Johnson (collectively, Ethicon) oppose the motions to vacate.

After considering the argument of counsel, we find these actions involve 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 actions share questions of fact with MDL No. 2327. Like many of the already-centralized actions, the actions at bar involve 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 motions to vacate, plaintiffs in the Central District of California and Northern District of Texas actions argue that their actions will not benefit from transfer because MDL No. 2327 is too advanced. While the relative merits of transferring new tag-along actions to an MDL can change over time, plaintiffs have not demonstrated that transfer would not promote the just and efficient conduct of the litigation. Plaintiffs acknowledge that there remains discovery and pretrial proceedings to complete in this litigation.

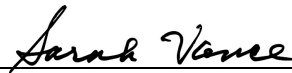
Plaintiffs in the Eastern District of Kentucky and Central District of California actions argue that the transferor courts should be allowed to rule on pending jurisdictional motions. The Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can

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present these arguments to the transferee judge.¹ *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).

IT IS THEREFORE ORDERED that the actions listed on Schedule A are 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



Sarah S. Vance

Chair

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

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

¹ Moreover, under Panel Rule 2.1(d), the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court generally has adequate time to rule on a remand motion if it chooses to do so. Indeed, the Central District of California already has denied plaintiffs' motions to remand and for reconsideration.

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

MDL No. 2327

SCHEDULE A

Central District of California

BARNES v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05309
BERRY v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05311
BLACKMER v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05312
BRADLEY-LERMA v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05313
BREEDEN v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05314
BUELL v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05316
COOVERT v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05318
CUNNINGHAM v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05319
DAGON v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05320
DAVIS v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05326
DULEY v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05327
EDWARDS v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05330
FESLER v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05331
FRIEL v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05334
GAUNT v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05335
GIBBS v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05336
GOODMAN v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05339
GUASE v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05340
HAMANN v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05342
HEWLETT v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05344
HIRD v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05345
HUFFMAN v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05349
KATUIN v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05352
KOTZEN v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05353
KRUM v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05354
LOUGHMAN v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05355
MASTERS v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05357
MAY v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05359
MCCASKELL v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05360
MCMILLAN v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05361
MILEUSNIC v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05362
MILLER v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05363
MOXLEY v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05364
MULLER v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05365
MURPHY v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05366

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MDL No. 2327 Schedule A (Continued)

Central District of California (Continued)

NAQUIN v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05367
NEWMAN v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05368
NUNES v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05369
OMEROVIC v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05370
PARNELL v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05372
PEARSON v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05373
PEELE v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05374
PELTIER v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05375
PIAZZA v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05376
PIOTROWSKI v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05377
QUIAMBAO v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05378
REAVIS v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05379
RENUCCI v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05380
ROBERTS v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05381
SCHULER v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05383
SCHURICHT v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05384
SPANGLER v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05386
STEWART v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05387
STEWART v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05388
TINKHAM v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05389
VOKATY v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05390
WALTON v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05391
WEST v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05392
WICK v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:15-05393

Eastern District of Kentucky

ROSE, ET AL. v. ROBERTSON, ET AL., C.A. No. 6:15-00095

Northern District of Texas

ISHAM, ET AL. v. JOHNSON & JOHNSON, ET AL., C.A. No. 3:15-02295
YARBROUGH, ET AL. v. ETHICON, INC., ET AL., C.A. No. 3:15-02297