

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: BIOMET M2A MAGNUM HIP IMPLANT  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2391

**TRANSFER ORDER**

**Before the Panel:**\* Pursuant to Panel Rule 7.1, plaintiffs in the two actions listed on Schedule A move to vacate our orders that conditionally transferred their respective actions to MDL No. 2391. Defendants<sup>1</sup> oppose the motions.

After considering all argument of counsel, we find these two actions involve common questions of fact with the actions previously transferred to MDL No. 2391, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Moreover, transfer is warranted for reasons set out in our order directing centralization. In that order, we held that the Northern District of Indiana was an appropriate Section 1407 forum for actions sharing factual questions arising from alleged injuries from Biomet's M2a Magnum and M2a-38 hip implant products. *See In re: Biomet M2A Magnum Hip Implant Prods. Liab. Litig.*, 896 F. Supp. 2d 1339 (J.P.M.L. 2012). The actions before us involve injuries arising from the design, manufacture, marketing and implantation of Biomet M2a Magnum hip implant components, and they clearly fall within the MDL's ambit.

Plaintiffs do not dispute that their actions share questions of fact with actions pending in MDL No. 2391. Plaintiffs instead base their arguments against transfer primarily on the pendency of their motions to remand to state court; however, "[a]s we have often held, the pendency of a motion to remand generally is not a good reason to deny or delay transfer." *In re: Genetically Modified Rice Litig.*, MDL No. 1811, 2011 WL 7143470, at \*1 (J.P.M.L. May 19, 2011). Plaintiffs can present their motions for remand to the transferee judge.<sup>2</sup> *See, e.g., In re Ivy*, 901 F.2d 7, 9 (2nd Cir. 1990); *In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001).

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\* Judge Ellen Segal Huvelle did not participate in the decision of this matter.

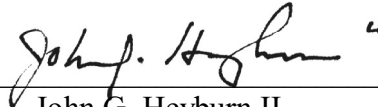
<sup>1</sup> Biomet Orthopaedics, LLC; Biomet, Inc.; Biomet U.S. Reconstruction, LLC and Biomet Manufacturing, LLC (collectively Biomet).

<sup>2</sup> Panel Rule 2.1(d) expressly provides that 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 wishing to rule upon the remand motion generally has adequate time in which to do so.

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IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, these actions are transferred to the Northern District of Indiana and, with the consent of that court, assigned to the Honorable Robert L. Miller, Jr., for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



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John G. Heyburn II  
Chairman

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

Charles R. Breyer  
Sarah S. Vance

**IN RE: BIOMET M2A MAGNUM HIP IMPLANT  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2391

**SCHEDULE A**

District of Maryland

LAUGHLIN v. SHOOP, ET AL., C.A. No. 8:14-01645

Eastern District of Missouri

WILLIAMS, ET AL. v. BIOMET, INC., ET AL., C.A. 4:14-01044