**UNITED STATES JUDICIAL PANEL**
**on**
**MULTIDISTRICT LITIGATION**

**IN RE: MIRENA IUD PRODUCTS LIABILITY LITIGATION**

Cynthia Butt, et al. v. Bayer HealthCare Pharmaceuticals, Inc., )
D. New Jersey, C.A. No. 2:13-04608 ) MDL No. 2434

**ORDER VACATING CONDITIONAL TRANSFER ORDER**

**Before the Panel:**[*] Pursuant to Panel Rule 7.1, Bayer HealthCare Pharmaceuticals, Inc., moves to vacate our order conditionally transferring this action (*Butt*) to the Southern District of New York for inclusion in MDL No. 2434. Plaintiffs agree to the relief sought, but reserve their right to seek transfer in the event that subsequent development of the record supports transfer.

After considering the arguments of counsel, we will grant this unopposed motion. The actions originally centralized in this MDL involve factual questions arising from the alleged risk of uterine perforation and migration associated with the Mirena IUD and the adequacy of the product's warning label with respect to those risks. *See In re Mirena IUD Prods. Liability Litig.*, 938 F. Supp. 2d 1355, 1356 (J.P.M.L. 2013). Following centralization, the transferee court entered an order designating Bayer HealthCare Pharmaceuticals, Inc., as the proper party defendant for Mirena IUDs inserted in the United States.[1]

In the *Butt* action, plaintiff is a Canadian citizen and resident who asserts that she obtained her Mirena IUD in Canada. Defendant represents that the Mirena IUD distributed in Canada has a different warning label and a different regulatory history governed by Canadian law, and that a separate Canadian corporation – Bayer, Inc. – markets and distributes the product in Canada. Plaintiffs acknowledge that they are uncertain of the product's origin, and thus agree that the inclusion of the action in MDL No. 2434 is not warranted at this time. In light of the unique factual and legal issues that are raised by the *Butt* action, the Panel agrees that transfer to MDL No. 2434 is not appropriate on this record.

IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-17" is vacated insofar as it relates to the above-captioned action.

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[*] Judges Marjorie O. Rendell and Lewis A. Kaplan did not participate in the decision of this matter.

[1] *See In re Mirena IUD Prods. Liability Litig.*, C.A. No. 13-mc-02434, Doc. No. 22 (S.D.N.Y. July 17, 2013).

PANEL ON MULTIDISTRICT LITIGATION

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