

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: MIRENA IUD PRODUCTS LIABILITY LITIGATION

Latoya Barnes Thompson, et al. v. Bayer Healthcare)
Pharmaceuticals, Inc., E.D. Louisiana, C.A. No. 2:13-03702) MDL No. 2434

ORDER VACATING CONDITIONAL TRANSFER ORDER

Before the Panel:* Pursuant to Panel Rule 7.1, Bayer HealthCare Pharmaceuticals, Inc. (“Bayer”) moves to vacate our order conditionally transferring this action (*Thompson*) to the Southern District of New York for inclusion in MDL No. 2434. Plaintiffs did not submit a response.

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. *In re: Mirena IUD Prods. Liability Litig.*, — F. Supp. 2d —, 2013 WL 1497304, at *1 (J.P.M.L. Apr. 8, 2013). The Panel recently considered whether the scope of the MDL should be expanded to include actions alleging other types of injury from the Mirena IUD, without regard to uterine perforation or migration. We declined to do so. *See Order Vacating Conditional Transfer Orders at 1-2* (J.P.M.L. Aug. 7, 2013).

In the *Thompson* action, Bayer asserts that the complaint fails to allege that Ms. Thompson experienced an injury related to the risk of uterine perforation or migration. Plaintiffs do not dispute Bayer’s assertion. The Panel agrees that the complaint lacks factual allegations that plaintiffs suffered an injury from the risk of perforation or migration and thus is not appropriate for inclusion in the MDL.¹

IT IS THEREFORE ORDERED that the Panel’s conditional transfer order designated as “CTO-7” is vacated insofar as it relates to the above-captioned action.

* Judge Sarah S. Vance took no part in the decision of this matter.

¹ The complaint and a subsequent affidavit allege that Ms. Thompson had two Mirena IUDs over a five-year period, that the second one fell out within a week of insertion, and that she experienced “lower abdomen pain, hair loss, memory loss, decreased intimacy, painful menstrual cycles, weight gain, arthritis, and other complications.” There is no allegation of perforation or migration.

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PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "John G. Heyburn II", is positioned above a horizontal line. The signature is written in a cursive style with a small "II" at the end.

John G. Heyburn II
Chairman

Kathryn H. Vratil
Marjorie O. Rendell
Lewis A. Kaplan

Paul J. Barbadoro
Charles R. Breyer