

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

**IN RE: STRYKER LFIT V40 FEMORAL HEAD  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2768

**TRANSFER ORDER**

**Before the Panel:** Plaintiffs in two District of Rhode Island actions move under Panel Rule 7.1 to vacate the Panel’s order conditionally transferring the actions (*Cote* and *Bolduc*), which are listed on the attached Schedule A, to MDL No. 2768. Defendant Howmedica Osteonics Corp. opposes the motions.

After considering the argument of counsel, we find that these actions involve common questions of fact with the actions previously transferred to MDL No. 2768, 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. Transfer is warranted for reasons set out in our order centralizing this litigation. In that order, we held that the District of Massachusetts was an appropriate Section 1407 forum for actions sharing factual questions arising from alleged defects in Stryker-branded LFIT Anatomic CoCR V40 femoral heads, a prosthetic hip replacement device. *See In re: Stryker Orthopaedics LFIT V40 Femoral Head Prods. Liab. Litig.*, 249 F. Supp. 3d 1353 (J.P.M.L. 2017). These actions involve injuries arising from the implantation of Stryker LFIT V40 femoral head and clearly falls within the MDL’s ambit.

Plaintiffs oppose transfer by arguing that it will inconvenience them and slow the progress of their actions. In deciding issues of Section 1407 transfer, the Panel looks to the overall convenience of the parties and witnesses in the litigation as a whole.<sup>1</sup> Here, overall convenience will be served by transfer of both actions, given the extensive factual overlap among the actions and the over 180 cases pending in MDL No. 2768. Moreover, “since Section 1407 transfer is for pretrial proceedings only, there is usually no need for the parties and witnesses to travel to the transferee district for depositions or otherwise.” *See In re: Cygnus Telecommunications Tech., LLC, Patent Litig.*, 177 F. Supp. 2d 1375, 1376 (J.P.M.L. 2001). Plaintiffs’ concerns that transfer may slow progress of their actions, which are in their infancy, appear unfounded. The transferee judge already has established a bellwether discovery and trial process that contemplates an initial bellwether trial in September 2018, and her familiarity with the contours of the LFIT V40 litigation undoubtedly will enhance the efficient resolution of these two cases.

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<sup>1</sup> *See In re: Watson Fentanyl Patch Prods. Liab. Litig.*, 883 F. Supp. 2d 1350, 1351-52 (J.P.M.L. 2012) (“While we are aware that centralization may pose some inconvenience to some parties, in deciding issues of transfer under Section 1407, we look to the overall convenience of the parties and witnesses, not just those of a single plaintiff or defendant in isolation.”).

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IT IS THEREFORE ORDERED that the action listed on Schedule A is transferred to the District of Massachusetts and, with the consent of that court, assigned to the Honorable Indira Talwani for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "Sarah S. Vance", is positioned above a horizontal line.

Sarah S. Vance  
Chair

Charles R. Breyer  
Lewis A. Kaplan  
R. David Proctor

Marjorie O. Rendell  
Ellen Segal Huvelle  
Catherine D. Perry

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**SCHEDULE A**

District of Rhode Island

COTE v. STRYKER CORPORATION, ET AL., C.A. No. 1:17-00311

BOLDUC v. STRYKER CORPORATION, ET AL., C.A. No. 1:17-00429