

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

**IN RE: ALLERGAN BIOCELL TEXTURED BREAST IMPLANT  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2921

**TRANSFER ORDER**

**Before the Panel:** Plaintiffs in the two actions listed on Schedule A (*Bassini* and *Vetter*) move under Panel Rule 7.1 to vacate our orders conditionally transferring the actions to MDL No. 2921. Defendant Allergan USA, Inc., opposes the motion to vacate and supports transfer.

After considering the parties' arguments, we find that the actions share questions of fact with the actions transferred to MDL No. 2921, 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 this litigation. In our order establishing MDL No. 2921, we held that centralization was warranted for actions arising out of "Allergan's announcement on July 24, 2019, of a voluntary worldwide recall of its BIOCELL textured breast implants and tissue expanders" related to an investigation by the U.S. Food and Drug Administration into the risk of breast-implant associated anaplastic large cell lymphoma (BIA-ALCL) associated with the products. *See In re Allergan BIOCELL Textured Breast Implant Prods. Liab. Litig.*, 412 F. Supp. 3d 1361, 1362 (J.P.M.L. 2019). The centralized actions present common factual questions pertaining to the allegation "that Allergan's BIOCELL textured breast implants and tissue expanders significantly increase the risk of developing BIA-ALCL, and that Allergan failed to warn the FDA, patients, and healthcare providers of this risk." *See id.* at 1362. The *Bassini* and *Vetter* actions undisputedly involve the same factual allegations and thus are appropriate for transfer.

In support of their motions to vacate, plaintiffs in both actions argue that their actions were improperly removed and the transferor courts should decide their pending and anticipated motions for remand to state court. But the Panel consistently has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present these arguments to the transferee judge.<sup>1</sup> *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).

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<sup>1</sup> For the same reason, we deny plaintiffs' alternative request to stay transfer pending rulings on remand by the transferor courts.

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IT IS THEREFORE ORDERED that the actions listed on Schedule A are transferred to the District of New Jersey and, with the consent of that court, assigned to the Honorable Brian R. Martinotti for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



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Karen K. Caldwell

Chair

Ellen Segal Huvelle  
Catherine D. Perry  
Matthew F. Kennelly

R. David Proctor  
Nathaniel M. Gorton  
David C. Norton

**IN RE: ALLERGAN BIOCELL TEXTURED BREAST IMPLANT  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2921

**SCHEDULE A**

Eastern District of New York

BASSINI v. ALLERGAN USA, INC., ET AL., C.A. No. 1:20-cv-02715

Southern District of New York

VETTER, ET AL. v. ALLERGAN USA, INC., ET AL., C.A. No. 1:20-cv-04704