

DOCKET NO. 1477

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE SERZONE PRODUCTS LIABILITY LITIGATION

Dorothy Werne v. Bristol-Myers Squibb Co., D. Minnesota, C.A. No. 0:04-2991 CA 2:04-846
David Klaproth v. Bristol-Myers Squibb Co., D. Minnesota, C.A. No. 0:04-2992 CA 2:04-847

CONDITIONAL TRANSFER ORDER (CTO-23)

On August 12, 2002, the Panel transferred six civil actions to the United States District Court for the Southern District of West Virginia for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 131 additional actions have been transferred to the Southern District of West Virginia. With the consent of that court, all such actions have been assigned to the Honorable Joseph R. Goodwin.

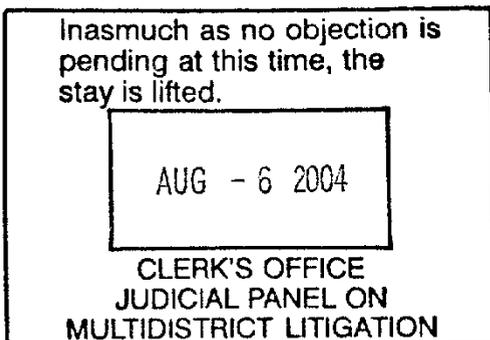
It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Southern District of West Virginia and assigned to Judge Goodwin.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of West Virginia for the reasons stated in the order of August 12, 2002, 217 F.Supp.2d 1372 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of West Virginia. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck
Michael J. Beck
Clerk of the Panel



INVOLVED COUNSEL LIST (CTO-23)
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IN RE SERZONE PRODUCTS LIABILITY LITIGATION

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**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vrtil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

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August 6, 2004

Teresa Deppner, Clerk
Post Office Box 2546
Charlestown, WV 25329-2546

Re: MDL-1477 -- In re Serzone Products Liability Litigation

Dorothy Werne v. Bristol-Myers Squibb Co., D. Minnesota, C.A. No. 0:04-2991

David Klaproth v. Bristol-Myers Squibb Co., D. Minnesota, C.A. No. 0:04-2992

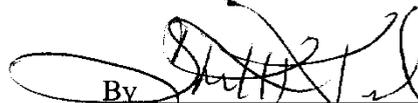
Dear Ms. Deppner:

I am enclosing one certified copy and additional copies of a conditional transfer order filed by the Panel in the above-captioned actions on July 21, 2004. The Panel's governing statute, 28 U.S.C. § 1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred." As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer if they wish to do so. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By 
Deputy Clerk

Attachments

cc: Transferee Judge: Judge Joseph R. Goodwin
Transferor Judges: Judge Ann D. Montgomery, Judge John R. Tunheim
Transferor Clerks: Richard Sletten

JPML Form 38

JUL 21 2004

FILED
CLERK'S OFFICE

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FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

AUG - 6 2004

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION