

A CERTIFIED TRUE COPY

OCT - 6 2004

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

SEP 20 2004

FILED
CLERK'S OFFICE

DOCKET NO. 1477

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE SERZONE PRODUCTS LIABILITY LITIGATION

Eunice S. Acreman, et al. v. Bristol-Myers Squibb Co., Inc.,
S.D. Mississippi, C.A. No. 1:04-679 ; SDJV CA 2:04-1100

ENTERED

OCT 12 2004

TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

CONDITIONAL TRANSFER ORDER (CTO-25)

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, 133 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 action on this conditional transfer order involves 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), this action is 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.

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

OCT - 6 2004

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

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. Vratil
United States District Court
District of Kansas

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

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

October 6, 2004

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

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

Eunice S. Acreman, et al. v. Bristol-Myers Squibb Co., Inc., S.D. Mississippi, C.A. No. 1:04-679

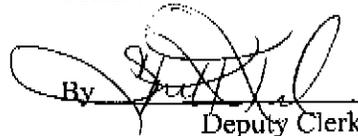
Dear Ms. Deppner:

I am enclosing one certified and additional copies of a conditional transfer order filed by the Panel in the above-captioned action on September 20, 2004. Section 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, 435-36 (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

Attachment

cc: Transferee Judge: Judge Joseph R. Goodwin
Transferor Judge: Judge Louis Guirola, Jr.
Transferor Clerk: J.T. Noblin

JPML Form 36

INVOLVED COUNSEL LIST (CTO-25)
DOCKET NO. 1477
IN RE SERZONE PRODUCTS LIABILITY LITIGATION

Carl Frankovitch
Frankovitch, Anetakis, Colantonio & Simon
337 Penco Road
Weirton, WV 26062

Thomas R. Frazer, II
Frasier & Davidson, P.A.
500 E. Capitol Street
Jackson, MS 39201

Marvin W. Masters
Masters & Taylor, L.C.
181 Summers Street
4th Floor
Peoples Building
Charleston, WV 25301

Michael B. Victorson
Jackson & Kelly
P.O. Box 553
Charleston, WV 25322-0553

SEP 20 2004

FILED
CLERK'S OFFICE

DOCKET NO. 1477

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE SERZONE PRODUCTS LIABILITY LITIGATION

Eunice S. Acreman, et al. v. Bristol-Myers Squibb Co., Inc.,
S.D. Mississippi, C.A. No. 1:04-679

CONDITIONAL TRANSFER ORDER (CTO-25)

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, 133 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 action on this conditional transfer order involves 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), this action is 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.

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

OCT - 6 2004

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel