

SEP 24 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARGALIT CORBER; RENE CARO;
STEVE DANTZLER; LINDA
SOWARDS; LORI HUISMAN; JOHNNY
GEORGE, Sr.; TERRY PERRY;
WILLIAM RACKLEY; ANGELA
YOUNG; PAMELA RODRIGUEZ;
STEVEN SYVERSON; OLGA
CAICOYA; JANET CARROLL; ROSE
CASH; ULAD CELENTANO; VIRGINIA
COSTANZO; KIMBERLY FILLIGIM;
ARMELDIA SMITH; CARLA WEST;
JOANNE BIERZYNSKI, individually and
as next of kin to Eleanor Wojcik;
SHARLEY MORRIS; WYOMIA
TIMMONS; DEAN REINKING; DANIEL
THORNE; WENDELEN ASHBY;
CARMEN BEDFORD; CLAUDE
COMMODORE; JAMES HENSON;
NANCY LOCKE; MILDRED SCOTT;
BILLIE BURNETT; SHEENA HALL;
BRENDA ROBERGE, individually and as
next of kin to Ernest Roberge; DEBORAH
WOODSUM; RICHARD PASCUITO,

Plaintiffs - Appellees,

v.

No. 13-56306

D.C. No. 2:12-cv-09986-PSG-E

MEMORANDUM*

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

XANODYNE PHARMACEUTICALS,
INC.,

Defendant - Appellant.

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Argued and Submitted August 30, 2013
Pasadena, California

Before: GOULD and RAWLINSON, Circuit Judges, and LEMELLE, District
Judge.**

We conclude that Plaintiff's petition for coordination was not a proposal to try the cases jointly. *See Judith Romo, et al. v. Teva Pharmaceutical USA, Inc.*, No. 13-80036 (9th Cir., Sept. 24, 2013). We AFFIRM the district court's order granting Plaintiffs' motion to remand.

** The Honorable Ivan L.R. Lemelle, District Judge for the U.S. District Court for the Eastern District of Louisiana, sitting by designation.

FILED

***Corber v. Xanodyne Pharmaceuticals*, No. 13-56306**
Gould, Circuit Judge, dissenting:

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I respectfully dissent for the same reasons expressed in the dissent to the majority opinion in *Romo v. Teva Pharmaceuticals USA*, No. 13-56310.