

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9

IN RE: Zicam Cold Remedy Marketing,  
Sales Practices, and Products Liability  
Litigation.

No. 09-md-2096-PHX-FJM

10

**ORDER**

11

THIS DOCUMENT RELATES TO:

12

Barton, Jill M. v. Matrixx Initiatives,  
Inc., et al.  
CV 10-1476-PHX-MHB

14

Holloway, Susan A. v. Matrixx  
Initiatives, Inc., et al.  
CV 10-1483-PHX-SRB

16

Kirsch, Charnay A. v. Matrixx  
Initiatives, Inc., et al.  
CV 10-1382-PHX-ROS

18

Murter, Joseph F. v. Matrixx Initiatives,  
Inc., et al.  
CV 10-1484-PHX-DGC

20

Ponthieux, Sharon K. v. Matrixx  
Initiatives, Inc., et al.  
CV 10-1485-PHX-DGC

22

Willhite, George Anthony v. Matrixx  
Initiatives, Inc., et al.  
CV 10-1486-PHX-GMS.

24

25

26

The court has before it the parties’ “Stipulated Motion to Transfer Related Cases to

27

MDL No. 2096 In Re: Zicam Cold Remedy Marketing, Sales Practices, and Products

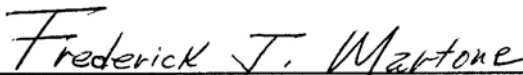
28

Liability Litigation” (doc. 920).

1 Plaintiffs allege that they suffered anosmia after using Zicam Cold Remedy, and assert  
2 claims for fraud, negligence, failure to warn, defective design, breaches of express and  
3 implied warranty, and violation of the Unfair and Deceptive Trade Practices Act. Plaintiffs'  
4 cases involve the same defendants and call for determination of substantially the same  
5 questions of law as the other personal injury cases in the MDL. See LRCiv 42.1(a).

6 Therefore, **IT IS ORDERED GRANTING** the parties' stipulated motion to transfer  
7 (doc. 920). **IT IS ORDERED** that CV10-1476-PHX-MHB, CV10-1483-PHX-SRB,  
8 CV10-1382-PHX-ROS, CV10-1484-PHX-DGC, CV10-1485-PHX-DGC, and  
9 CV10-1486-PHX-GMS shall be transferred to In Re: Zicam Cold Remedy Marketing, Sales  
10 Practices, and Products Liability Litigation, MDL 09-2096-PHX-FJM.

11 DATED this 4<sup>th</sup> day of October, 2010.

12  
13   
14 \_\_\_\_\_  
15 Frederick J. Martone  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28