

A CERTIFIED TRUE COPY
ATTEST
By Jakeia Mells on Oct 09, 2008
FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

Oct 09, 2008

FILED
CLERK'S OFFICE

IN RE: PREMPRO PRODUCTS LIABILITY LITIGATION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
MDL No. 1507

OCT - 9 2008

TRANSFER ORDER

4:03 CV 01507

JAMES W. McCORMACK, CLERK
By: *[Signature]*

Before the entire Panel*: Plaintiffs in the Southern District of West Virginia actions listed on Schedule A have moved, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), to vacate the respective portion of our order conditionally transferring those actions to the Eastern District of Arkansas for inclusion in MDL No. 1507. Responding defendants Wyeth and Wyeth Pharmaceuticals, Inc., oppose the motion.

After considering all argument of counsel, we find that these actions involve common questions of fact with actions in this litigation previously transferred to the Eastern District of Arkansas, and that transfer of the actions to the Eastern District of Arkansas for inclusion in MDL No. 1507 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. We further find that transfer of these actions is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Eastern District of Arkansas was a proper Section 1407 forum for actions brought by persons allegedly injured by Wyeth's Prempro, a hormone combination of estrogen and progestin used in the treatment of menopausal symptoms.¹ See *In re Prempro Products Liability Litigation*, 254 F.Supp.2d 1366 (J.P.M.L. 2003).

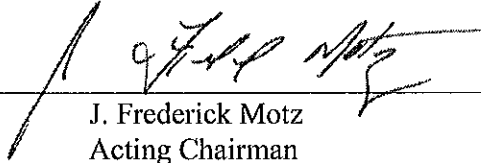
Plaintiffs urge the Panel not to order transfer before their motion for remand to state court is ruled upon by the Southern District of West Virginia court. That motion, if not resolved in the transferor court by the time of Section 1407 transfer, can be presented to the transferee judge. See, e.g., *In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A are transferred to the Eastern District of Arkansas and, with the consent of that court, assigned to the Honorable William R. Wilson, Jr., for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

* Judge Heyburn took no part in the disposition of this matter.

¹ The scope of the litigation has evolved to include actions involving other Wyeth hormone replacement therapy (HRT) products, as well as HRT products manufactured and distributed by other pharmaceutical companies.

PANEL ON MULTIDISTRICT LITIGATION



J. Frederick Motz
Acting Chairman

John G. Heyburn II, Chairman*
Kathryn H. Vratil
W. Royal Furgeson, Jr.

Robert L. Miller, Jr.
David R. Hansen

SCHEDULE A

Southern District of West Virginia

Blodwyn Doerfler, et al. v. American Home Products Corp., et al., C.A. No. 3:08-346
Ruby Ables, et al. v. American Home Products Corp., et al., C.A. No. 3:08-347
Louise Adams, et al. v. American Home Products Corp., et al., C.A. No. 3:08-348
Alta Adkins v. American Home Products Corp., et al., C.A. No. 3:08-349
Carole Adkins, et al. v. American Home Products Corp., et al., C.A. No. 3:08-350
Carolyn Adkins, et al. v. American Home Products Corp., et al., C.A. No. 3:08-351
Ethel Adkins, et al. v. American Home Products Corp., et al., C.A. No. 3:08-352
Franklin Adkins, et al. v. American Home Products Corp., et al., C.A. No. 3:08-353
Mamie Adkins, et al. v. American Home Products Corp., et al., C.A. No. 3:08-354
Regina Adkins, et al. v. American Home Products Corp., et al., C.A. No. 3:08-355
Clara Allport v. American Home Products Corp., et al., C.A. No. 3:08-356
Bonnie Alvarran, et al. v. American Home Products Corp., et al., C.A. No. 3:08-357
Delores Ambro, et al. v. American Home Products Corp., et al., C.A. No. 3:08-358
Juanita Anderson, et al. v. American Home Products Corp., et al., C.A. No. 3:08-359
Canzaza Arkle, et al. v. American Home Products Corp., et al., C.A. No. 3:08-360
Cynthia Armstrong, et al. v. American Home Products Corp., et al., C.A. No. 3:08-361
Betty Arthur, et al. v. American Home Products Corp., et al., C.A. No. 3:08-362
Judy Asbury, et al. v. American Home Products Corp., et al., C.A. No. 3:08-363
Minta Ash, et al. v. American Home Products Corp., et al., C.A. No. 3:08-364
Thelma Atkins, et al. v. American Home Products Corp., et al., C.A. No. 3:08-365
Brenda Bailey, et al. v. American Home Products Corp., et al., C.A. No. 3:08-366
Sonja Barnett, et al. v. American Home Products Corp., et al., C.A. No. 3:08-367
Brenda Bates, et al. v. American Home Products Corp., et al., C.A. No. 3:08-368
Norma Beale v. American Home Products Corp., et al., C.A. No. 3:08-369
Connie Beford, et al. v. American Home Products Corp., et al., C.A. No. 3:08-370
Delores Belcher, et al. v. American Home Products Corp., et al., C.A. No. 3:08-371
Gloria Bias v. American Home Products Corp., et al., C.A. No. 3:08-372
Gwendolyn Bias, et al. v. American Home Products Corp., et al., C.A. No. 3:08-373
Barbara Black v. American Home Products Corp., et al., C.A. No. 3:08-374
Mary Blizzard, et al. v. American Home Products Corp., et al., C.A. No. 3:08-375
Frances Bolen, et al. v. American Home Products Corp., et al., C.A. No. 3:08-376
Betty Bonner v. American Home Products Corp., et al., C.A. No. 3:08-377
Dovie Boshier v. American Home Products Corp., et al., C.A. No. 3:08-378
Drema Bousheley, et al. v. American Home Products Corp., et al., C.A. No. 3:08-379
Phyllis Bowcott, et al. v. American Home Products Corp., et al., C.A. No. 3:08-380
Janit Bowen, et al. v. American Home Products Corp., et al., C.A. No. 3:08-381
Evelyn Bower v. American Home Products Corp., et al., C.A. No. 3:08-382

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Pearl Fulkes-Bowles, et al. v. American Home Products Corp., et al., C.A. No. 3:08-383
Hazel Brenneman v. American Home Products Corp., et al., C.A. No. 3:08-384
Celesta Bridwell v. American Home Products Corp., et al., C.A. No. 3:08-385
Wilma Brooks, et al. v. American Home Products Corp., et al., C.A. No. 3:08-386
Carol Brown, et al. v. American Home Products Corp., et al., C.A. No. 3:08-387
Freda Brown, et al. v. American Home Products Corp., et al., C.A. No. 3:08-388
Tommy Brown, etc. v. American Home Products Corp., et al., C.A. No. 3:08-389
June Browning, et al. v. American Home Products Corp., et al., C.A. No. 3:08-390
Carolyn Brownlee v. American Home Products Corp., et al., C.A. No. 3:08-391
Laura Bryant, et al. v. American Home Products Corp., et al., C.A. No. 3:08-392
Laura Bunnell v. American Home Products Corp., et al., C.A. No. 3:08-393
Jeanette Burns, et al. v. American Home Products Corp., et al., C.A. No. 3:08-394
Patricia Burress v. American Home Products Corp., et al., C.A. No. 3:08-395
Sharon Burton, et al. v. American Home Products Corp., et al., C.A. No. 3:08-396
Norma Cagigas, et al. v. American Home Products Corp., et al., C.A. No. 3:08-397
Linda Caleffie, et al. v. American Home Products Corp., et al., C.A. No. 3:08-398
Colleen Campbell v. American Home Products Corp., et al., C.A. No. 3:08-399
Judith Campbell v. American Home Products Corp., et al., C.A. No. 3:08-400
Viola Capito, et al. v. American Home Products Corp., et al., C.A. No. 3:08-401
Janet Carder, et al. v. American Home Products Corp., et al., C.A. No. 3:08-402
Dorothy Carpenter, et al. v. American Home Products Corp., et al., C.A. No. 3:08-403
Eleanor Carpenter, et al. v. American Home Products Corp., et al., C.A. No. 3:08-404
Carolyn Carper, et al. v. American Home Products Corp., et al., C.A. No. 3:08-405
Betty Carter v. American Home Products Corp., et al., C.A. No. 3:08-406
Connie Carter v. American Home Products Corp., et al., C.A. No. 3:08-407
Linda Carter, et al. v. American Home Products Corp., et al., C.A. No. 3:08-408
Nellie Carter v. American Home Products Corp., et al., C.A. No. 3:08-409
Patty Carter v. American Home Products Corp., et al., C.A. No. 3:08-410
Linda Casdorff, et al. v. American Home Products Corp., et al., C.A. No. 3:08-411
Janet Ann Caudill v. American Home Products Corp., et al., C.A. No. 3:08-412
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Dollie Cavender v. American Home Products Corp., et al., C.A. No. 3:08-414
Rita Cavins, et al. v. American Home Products Corp., et al., C.A. No. 3:08-415
Patricia Chandler, et al. v. American Home Products Corp., et al., C.A. No. 3:08-416
Clarice Chapman v. American Home Products Corp., et al., C.A. No. 3:08-417
Janet Chapman v. American Home Products Corp., et al., C.A. No. 3:08-418
Betty Charles, et al. v. American Home Products Corp., et al., C.A. No. 3:08-419
Geraldine Chavis v. American Home Products Corp., et al., C.A. No. 3:08-420

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Roberta Childress, et al. v. American Home Products Corp., et al., C.A. No. 3:08-421
Wilma Church, et al. v. American Home Products Corp., et al., C.A. No. 3:08-422
Tena Clay v. American Home Products Corp., et al., C.A. No. 3:08-423
Joyce Clemons, et al. v. American Home Products Corp., et al., C.A. No. 3:08-424
Barbara Cobb v. American Home Products Corp., et al., C.A. No. 3:08-425
Norma Cole, et al. v. American Home Products Corp., et al., C.A. No. 3:08-426
Wanda Colebank, et al. v. American Home Products Corp., et al., C.A. No. 3:08-427
Catherine Coleman v. American Home Products Corp., et al., C.A. No. 3:08-428
Gloria Collias v. American Home Products Corp., et al., C.A. No. 3:08-429
Dorothy Comer v. American Home Products Corp., et al., C.A. No. 3:08-430
Anna Compton v. American Home Products Corp., et al., C.A. No. 3:08-431
Margaret Comstock v. American Home Products Corp., et al., C.A. No. 3:08-432
Mary Conley v. American Home Products Corp., et al., C.A. No. 3:08-433
Daniel Bifano, et al. v. American Home Products Corp., et al., C.A. No. 3:08-434
Linda Conner, et al. v. American Home Products Corp., et al., C.A. No. 3:08-435
Billy Cook, etc. v. American Home Products Corp., et al., C.A. No. 3:08-436
Carolyn Cook, et al. v. American Home Products Corp., et al., C.A. No. 3:08-437
Joycelyn Cook v. American Home Products Corp., et al., C.A. No. 3:08-438
Andrea Copley, et al. v. American Home Products Corp., et al., C.A. No. 3:08-439
Colleen Copley, et al. v. American Home Products Corp., et al., C.A. No. 3:08-440
Nancy Cornell v. American Home Products Corp., et al., C.A. No. 3:08-441
Julie Coulter v. American Home Products Corp., et al., C.A. No. 3:08-442
Marilyn Counts v. American Home Products Corp., et al., C.A. No. 3:08-443
Mary Crance, et al. v. American Home Products Corp., et al., C.A. No. 3:08-444
Marjorie Cremeans, et al. v. American Home Products Corp., et al., C.A. No. 3:08-445
Geneva Cumbridge v. American Home Products Corp., et al., C.A. No. 3:08-446
Mary Curry v. American Home Products Corp., et al., C.A. No. 3:08-447
Betty Curtis, et al. v. American Home Products Corp., et al., C.A. No. 3:08-448
Donna Day, et al. v. American Home Products Corp., et al., C.A. No. 3:08-449
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Donna Dean v. American Home Products Corp., et al., C.A. No. 3:08-451
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Debra Delp, et al. v. American Home Products Corp., et al., C.A. No. 3:08-453
Rebecca Dennison, et al. v. American Home Products Corp., et al., C.A. No. 3:08-454
Doris Deskins, et al. v. American Home Products Corp., et al., C.A. No. 3:08-455
Sherry Deskins, et al. v. American Home Products Corp., et al., C.A. No. 3:08-456
Patricia Dienes, et al. v. American Home Products Corp., et al., C.A. No. 3:08-457
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Patricia Doczi, et al. v. American Home Products Corp., et al., C.A. No. 3:08-459
Eleanor Dotson, et al. v. American Home Products Corp., et al., C.A. No. 3:08-460
Lucinda Douglas, et al. v. American Home Products Corp., et al., C.A. No. 3:08-461
Patsy Duffey v. American Home Products Corp., et al., C.A. No. 3:08-462
Patty Duffield, et al. v. American Home Products Corp., et al., C.A. No. 3:08-463
Nerva Durham, et al. v. American Home Products Corp., et al., C.A. No. 3:08-464
Sandra Eads v. American Home Products Corp., et al., C.A. No. 3:08-465
Norma Earl v. American Home Products Corp., et al., C.A. No. 3:08-466
Karen Edwards v. American Home Products Corp., et al., C.A. No. 3:08-467
Patricia Enrietti, et al. v. American Home Products Corp., et al., C.A. No. 3:08-468
Irene Ervin v. American Home Products Corp., et al., C.A. No. 3:08-469
Beverly Evans v. American Home Products Corp., et al., C.A. No. 3:08-470
Inas Evans v. American Home Products Corp., et al., C.A. No. 3:08-471
Beulah Facemire v. American Home Products Corp., et al., C.A. No. 3:08-472
Janice Farris, et al. v. American Home Products Corp., et al., C.A. No. 3:08-473
Nilia Fauber, et al. v. American Home Products Corp., et al., C.A. No. 3:08-474
Rosa Finley v. American Home Products Corp., et al., C.A. No. 3:08-475
Barbara Fisher v. American Home Products Corp., et al., C.A. No. 3:08-476
Georgia Fisher, et al. v. American Home Products Corp., et al., C.A. No. 3:08-477
Velma Fisher v. American Home Products Corp., et al., C.A. No. 3:08-478
Martha Fleming v. American Home Products Corp., et al., C.A. No. 3:08-479
Hazel Forbes v. American Home Products Corp., et al., C.A. No. 3:08-480
Alice Frady, et al. v. American Home Products Corp., et al., C.A. No. 3:08-481
Janet Fenner Frame, et al. v. American Home Products Corp., et al., C.A. No. 3:08-482
Ruby Frye, et al. v. American Home Products Corp., et al., C.A. No. 3:08-483
Carolyn Furman, et al. v. American Home Products Corp., et al., C.A. No. 3:08-484
Rae Gandee v. American Home Products Corp., et al., C.A. No. 3:08-485
Toney Garrison v. American Home Products Corp., et al., C.A. No. 3:08-486
Esther Gibbs, et al. v. American Home Products Corp., et al., C.A. No. 3:08-487
Betty Gill v. American Home Products Corp., et al., C.A. No. 3:08-488
John Ginn, et al. v. American Home Products Corp., et al., C.A. No. 3:08-489
Karen Givens, et al. v. American Home Products Corp., et al., C.A. No. 3:08-490
Sandra Godwin, et al. v. American Home Products Corp., et al., C.A. No. 3:08-491
Betty Good, et al. v. American Home Products Corp., et al., C.A. No. 3:08-492
Lorraine Goodman, et al. v. American Home Products Corp., et al., C.A. No. 3:08-493
Kathryn Gould, et al. v. American Home Products Corp., et al., C.A. No. 3:08-494
Anna Graham v. American Home Products Corp., et al., C.A. No. 3:08-495
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Patricia Granato, et al. v. American Home Products Corp., et al., C.A. No. 3:08-497
Mary Gray, et al. v. American Home Products Corp., et al., C.A. No. 3:08-498
Geraldine Green, et al. v. American Home Products Corp., et al., C.A. No. 3:08-499
Jacqueline Green, et al. v. American Home Products Corp., et al., C.A. No. 3:08-500
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Rhita Grim, et al. v. American Home Products Corp., et al., C.A. No. 3:08-502
Martha Haga, et al. v. American Home Products Corp., et al., C.A. No. 3:08-503
Janice Hager v. American Home Products Corp., et al., C.A. No. 3:08-504
Eileen Haislop v. American Home Products Corp., et al., C.A. No. 3:08-505
Shirley Hale v. American Home Products Corp., et al., C.A. No. 3:08-506
Gayle Hamon, et al. v. American Home Products Corp., et al., C.A. No. 3:08-507
Dorothy Hardy v. American Home Products Corp., et al., C.A. No. 3:08-508
Nancy Hardy, et al. v. American Home Products Corp., et al., C.A. No. 3:08-509
Mary Harless, et al. v. American Home Products Corp., et al., C.A. No. 3:08-510
Patricia Harman, et al. v. American Home Products Corp., et al., C.A. No. 3:08-511
Karen Harper v. American Home Products Corp., et al., C.A. No. 3:08-512
Phyllis Harris v. American Home Products Corp., et al., C.A. No. 3:08-513
Julia Harford v. American Home Products Corp., et al., C.A. No. 3:08-514
Sharon Hartley, et al. v. American Home Products Corp., et al., C.A. No. 3:08-515
Jacqueline Hatfield, et al. v. American Home Products Corp., et al., C.A. No. 3:08-516
Zelda Hatten, et al. v. American Home Products Corp., et al., C.A. No. 3:08-517
Martha Hayden, et al. v. American Home Products Corp., et al., C.A. No. 3:08-518
Josephine Haynes, et al. v. American Home Products Corp., et al., C.A. No. 3:08-519
Dreina Henrich v. American Home Products Corp., et al., C.A. No. 3:08-520
Frances Henson, et al. v. American Home Products Corp., et al., C.A. No. 3:08-521
Marilyn Settle, et al. v. American Home Products Corp., et al., C.A. No. 3:08-522
Dorothy Hiner v. American Home Products Corp., et al., C.A. No. 3:08-523
Lawrence Hinkle, et al. v. American Home Products Corp., et al., C.A. No. 3:08-524
Margaret Hoffman, et al. v. American Home Products Corp., et al., C.A. No. 3:08-525
Mary Holstein, et al. v. American Home Products Corp., et al., C.A. No. 3:08-526
Arita Hooser v. American Home Products Corp., et al., C.A. No. 3:08-527
Anna Hubbard, et al. v. American Home Products Corp., et al., C.A. No. 3:08-528
Barbara Hubbard, et al. v. American Home Products Corp., et al., C.A. No. 3:08-529
Donna Huffinan, et al. v. American Home Products Corp., et al., C.A. No. 3:08-530
Nancy Humphreys v. American Home Products Corp., et al., C.A. No. 3:08-531
Josephine Hurley v. American Home Products Corp., et al., C.A. No. 3:08-532
Gallie Isaac, Jr., etc. v. American Home Products Corp., et al., C.A. No. 3:08-533
Charlene Jackson v. American Home Products Corp., et al., C.A. No. 3:08-534

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Southern District of West Virginia (Continued)

Carolyn James, et al. v. American Home Products Corp., et al., C.A. No. 3:08-535
Juanita Jarrell, et al. v. American Home Products Corp., et al., C.A. No. 3:08-536
Macie Jarrell, et al. v. American Home Products Corp., et al., C.A. No. 3:08-537
Rita Javins, et al. v. American Home Products Corp., et al., C.A. No. 3:08-538
Norma Jeffers, et al. v. American Home Products Corp., et al., C.A. No. 3:08-539
Diana Johnson v. American Home Products Corp., et al., C.A. No. 3:08-540
Elsie Johnson v. American Home Products Corp., et al., C.A. No. 3:08-541
Sylvia Johnson, et al. v. American Home Products Corp., et al., C.A. No. 3:08-542
Twila Jordan, et al. v. American Home Products Corp., et al., C.A. No. 3:08-543
Jan Karnes, et al. v. American Home Products Corp., et al., C.A. No. 3:08-544
Joyce Kasey v. American Home Products Corp., et al., C.A. No. 3:08-545
Nancy Kassay, et al. v. American Home Products Corp., et al., C.A. No. 3:08-546
Connie Kay, et al. v. American Home Products Corp., et al., C.A. No. 3:08-547
Fannie Keith, et al. v. American Home Products Corp., et al., C.A. No. 3:08-548
Margaret Kellar v. American Home Products Corp., et al., C.A. No. 3:08-549
Wilma Kelly v. American Home Products Corp., et al., C.A. No. 3:08-550
Judy Kerns v. American Home Products Corp., et al., C.A. No. 3:08-551
Gladys Kessinger v. American Home Products Corp., et al., C.A. No. 3:08-552
Carolyn Kimball, et al. v. American Home Products Corp., et al., C.A. No. 3:08-553
Anna King, et al. v. American Home Products Corp., et al., C.A. No. 3:08-554
Cylinda King, et al. v. American Home Products Corp., et al., C.A. No. 3:08-555
Jean King v. American Home Products Corp., et al., C.A. No. 3:08-556
Billie Kinser v. American Home Products Corp., et al., C.A. No. 3:08-557
Shirley Kittle, et al. v. American Home Products Corp., et al., C.A. No. 3:08-558
Cheryle Knight, et al. v. American Home Products Corp., et al., C.A. No. 3:08-559
Virginia Knight, et al. v. American Home Products Corp., et al., C.A. No. 3:08-560
Janet Koon v. American Home Products Corp., et al., C.A. No. 3:08-561
Susan Kozielec, et al. v. American Home Products Corp., et al., C.A. No. 3:08-562
Wanda Lamb v. American Home Products Corp., et al., C.A. No. 3:08-563
Dorothy Lambert v. American Home Products Corp., et al., C.A. No. 3:08-564
Ellen Lambert, et al. v. American Home Products Corp., et al., C.A. No. 3:08-565
Deborah Lane, et al. v. American Home Products Corp., et al., C.A. No. 3:08-566
Mary Lane, et al. v. American Home Products Corp., et al., C.A. No. 3:08-567
Helen Lanham, et al. v. American Home Products Corp., et al., C.A. No. 3:08-568
Janice Lawrence v. American Home Products Corp., et al., C.A. No. 3:08-569
Joann Layfield, et al. v. American Home Products Corp., et al., C.A. No. 3:08-570
Dorothy Layton, et al. v. American Home Products Corp., et al., C.A. No. 3:08-571
Johnnie Lee, etc. v. American Home Products Corp., et al., C.A. No. 3:08-572

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Southern District of West Virginia (Continued)

Mary Lemaster v. American Home Products Corp., et al., C.A. No. 3:08-573
Betty Lemasters v. American Home Products Corp., et al., C.A. No. 3:08-574
Arlene Lester-Houston, et al. v. American Home Products Corp., et al.,
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Polly Lester, et al. v. American Home Products Corp., et al., C.A. No. 3:08-576
Sylvia Underwood-Lewis, et al. v. American Home Products Corp., et al.,
C.A. No. 3:08-577
Dorothy Lieving, et al. v. American Home Products Corp., et al., C.A. No. 3:08-578
Elizabeth Linkous v. American Home Products Corp., et al., C.A. No. 3:08-579
Joyce Lively, et al. v. American Home Products Corp., et al., C.A. No. 3:08-580
Shelva Lockhart v. American Home Products Corp., et al., C.A. No. 3:08-581
Linda Logan, et al. v. American Home Products Corp., et al., C.A. No. 3:08-582
Deloris Logue v. American Home Products Corp., et al., C.A. No. 3:08-583
Katherine Long v. American Home Products Corp., et al., C.A. No. 3:08-584
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