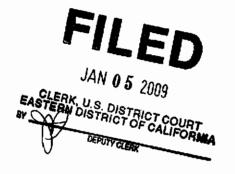
UNITED STATES DISTRICT COURT Southern District of New York Office of the Clerk 500 Pearl Street New York, N.Y. 10007 (212)805-0136



J. Michael McMahon Clerk

ED OF CALIFORNIA

Date: 12/22/08

In Re:

Fosamax

MDL

1789

Your Docket #

S.D. OF N.Y.

2:08-2642

08-11153

Dear Sir:

Enclosed is a certified copy of the order of the Judicial Panel on Multidistrict Litigation, transferring the above entitled action presently pending in your court, to the Southern District Parks v. Merck of New York and assigned to Judge KOELTL for coordinated or consolidated pretrial processing pursuant to 28 USC 1407.

Doc. 6

Please return the copy of this letter when transmitting YOUR FILE and a CERTIFIED COPY OF THE DOCKET SHEET.

Sincerely, J.Michael McMahon

By: MDL Unit (212) 805-0646

A CERTIFIED TRUE COPY ATTEST

By Dana Stewart on Dec 22, 2008

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION



UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Dec 04, 2008

FILED CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL

MULTIDISTRICT LITIGATI 48 CIV 11153

IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION

MDL No. 1789

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-63)

On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 144 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable John F. Keenan.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Keenan.

Pursuant to Rule 7.4 of the <u>Rules of Procedure of the Judicial Panel on Multidistrict Litigation</u>, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of August 16, 2006, and, with the consent of that court, assigned to the Honorable John F. Keenan.

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 New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

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

Dec 22, 2008

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

A CERTIFIED COPY

Jerrer√ N. Lüthi

Clerk of the Panel

J. MICHAEL McMAHON,

CLERK

DEPUTY CLERK

SCHEDULE CTO-63 - TAG-ALONG ACTIONS

DIST. DIV. C.A. #	CASE CAPTION
CALIFORNIA EASTERN	
CAE 2 08-2634	Maxine Brey v. Merck & Co., Inc.
CAE 2 08-2635	Lorraine Finelli v. Merck & Co., Inc.
CAE 2 08-2639	Della Goodell-Dunham, et al. v. Merck & Co., Inc.
CAE 2 08-2642	Mary Parks v. Merck & Co., Inc.
CAE 2 08-2643	Darla Pettis v. Merck & Co., Inc.
CAE 2 08-2644	Earl Tope, et al. v. Merck & Co., Inc.
CAE 2 08-2649	Eiko Dey v. Merck & Co., Inc.
CAE 2 08-2650	Wanda Turner, et al. v. Merck & Co., Inc.
GEORGIA NORTHERN	
GAN 1 08-3413	Ethel O'Kelly v. Merck & Co., Inc.
GAN 1 08-3414	Gloria Stamps v. Merck & Co., Inc.
LOUISIANA WESTERN	
LAW 5 08-1712	Sue Sullivan v. Merck & Co., Inc.
UTAH	
UT 1 08-136	Lou Jeanne Hamilton, et al. v. Merck & Co., Inc.

INVOLVED COUNSEL LIST (CTO-63)

Clifford Lee Carter CLAYEO C ARNOLD PLC 608 University Avenue Sacramento, CA 95825

Jeffrey Keith Douglass MORRIS MANNING & MARTIN LLP 1600 Atlanta Financial Center 3343 Peachtree Road, N.E. Atlanta, GA 30326-1044

M. King Hill, III VENABLE LLP 210 Allegheny Avenue Towson, MD 21204

Katharine R. Latimer SPRIGGS & HOLLINGSWORTH 1350 I Street, N.W. 9th Floor Washington, DC 20005

Nancy A. Mismash ROBERT J DEBRY & ASSOCIATES 4252 South 700 East Salt Lake City, UT 84107

Christopher A. Seeger SEEGER WEISS One William Street 10th Floor New York, NY 10004-2502

James Paul Sizemore GIRARDI & KEESE 1126 Wilshire Boulevard Los Angeles, CA 90017-1904

Terry O. Tottenham FULBRIGHT & JAWORSKI LLP 600 Congress Avenue Suite 2400 Austin, TX 78701-2011 John R. Whaley
NEBLETT BEARD & ARSENAULT
P.O. Box 1190
2220 Bonaventure Court
Alexandria, LA 71309-1190

O. Mark Zamora LAW OFFICES OF O MARK ZAMORA P.O. Box 660216 Atlanta, GA 30366