

FILED

JAN 05 2009

**CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BY _____
DEPUTY CLERK

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.

2:08-2644

08-11156

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 of New York and assigned to Judge KOELTL for coordinated or consolidated pretrial processing pursuant to 28 USC 1407.

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

Tope et al v. Merck & Co., Inc.

Doc. 6

Dec 04, 2008

FILED
CLERK'S OFFICE

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

08 CIV 11156

IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION

MDL No. 1789

(SEE ATTACHED SCHEDULE)

FLD
S. D. of NY
12/22/08

CONDITIONAL TRANSFER ORDER (CTO-63)

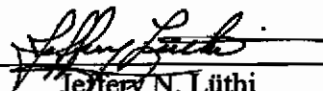
On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 144 additional actions have 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 Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 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:


Jeffery N. Lüthi
Clerk of 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
J. MICHAEL McMAHON, CLERK

BY 
DEPUTY CLERK

SCHEDULE CTO-63 - TAG-ALONG ACTIONS

DIST. DIV. C.A. #

CASE CAPTION

CALIFORNIA EASTERN

CAE 2 08-2634

CAE 2 08-2635

CAE 2 08-2639

CAE 2 08-2642

CAE 2 08-2643

CAE 2 08-2644

CAE 2 08-2649

CAE 2 08-2650

Maxine Brey v. Merck & Co., Inc.

Lorraine Finelli v. Merck & Co., Inc.

Della Goodell-Dunham, et al. v. Merck & Co., Inc.

Mary Parks v. Merck & Co., Inc.

Darla Pettis v. Merck & Co., Inc.

Earl Tope, et al. v. Merck & Co., Inc.

Eiko Dey v. Merck & Co., Inc.

Wanda Turner, et al. v. Merck & Co., Inc.

GEORGIA NORTHERN

GAN 1 08-3413

GAN 1 08-3414

Ethel O'Kelly v. Merck & Co., Inc.

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**