

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.

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

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

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
on
MULTIDISTRICT LITIGATION

08 CIV 11156

IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION

MDL No. 1789

(SEE ATTACHED SCHEDULE)

FLD
SDay/NY
12/22/08

CONDITIONAL TRANSFER ORDER (CTO-63)

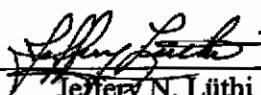
On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 144 additional actions have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

SCHEDULE CTO-63 - TAG-ALONG ACTIONS

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
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.

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