

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

**FILED**

JAN 05 2009

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

J. Michael McMahon  
Clerk

ED OF CALIFORNIA

Date: 12/22/08

In Re: Fosamax

MDL 1789

Your Docket #

S.D. OF N.Y.

2:08-2649

08-11157

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.

Dey v. Merck & Co., Inc.

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

on

MULTIDISTRICT LITIGATION

**08 CIV 11157**

IN RE: FOSAMAX PRODUCTS LIABILITY LITIGATION

MDL No. 1789

(SEE ATTACHED SCHEDULE)

*FLP  
SD 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.

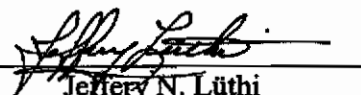
This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

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

**Dec 22, 2008**

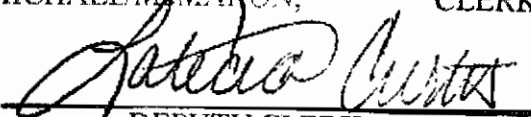
CLERK'S OFFICE  
UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

  
Jeffery N. Lüthi

A Clerk of the Panel

J. MICHAEL McMANON,

CLERK

BY   
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.

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