

FILED

SEP X 8 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

AUG 21 2008

FILED
CLERK'S OFFICE

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

SEP - 8 2008

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

(SEE ATTACHED SCHEDULE)

C-08-31F3-B2

CONDITIONAL TRANSFER ORDER (CTO-1)

On August 13, 2008, the Panel transferred eight civil actions to the United States District Court for the Southern District of West Virginia for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* __F.Supp.2d__ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Joseph R. Goodwin.

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 West Virginia and assigned to Judge Goodwin.

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 West Virginia for the reasons stated in the order of August 13, 2008, and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin.

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 West Virginia. 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
Jeffery N. Lüthi
Clerk of the Panel

A CERTIFIED TRUE COPY

SEP - 8 2008

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Debbie Morgan

ENTERED

SEP - 8 2008

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

SCHEDULE CTO-1 - TAG-ALONG ACTIONS

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
ALABAMA MIDDLE ALM 2 08-616	Doris Hughes v. Actavis Totowa, LLC, et al.
ALABAMA NORTHERN ALN 2 08-1271	Bobbie Dyal, et al. v. Actavis Group hf, et al.
CALIFORNIA CENTRAL CAC 5 08-892 CAC 5 08-893 CAC 8 08-676	Richard Platzner, et al. v. Actavis Group hf, et al. Shannon Darby v. Actavis Group hf, et al. Richard Spangle v. Actavis Group hf, et al.
CALIFORNIA EASTERN CAE 2 08-1670	Patricia J. Harmon v. Actavis Totowa, LLC, et al.
CALIFORNIA NORTHERN 08-5173	Deplia Davis, et al. v. Actavis Group hf, et al.
CALIFORNIA SOUTHERN CAS 3 08-980	Frank Grady, et al. v. Actavis Totowa, LLC, et al.
INDIANA SOUTHERN INS 1 08-910	Jerry J. Losh v. Actavis Totowa, LLC, et al.
KANSAS KS 6 08-1145	Peter J. Konek v. Actavis, Inc., et al.
LOUISIANA EASTERN LAE 2 08-3699 LAE 2 08-4029 LAE 2 08-4088	Joseph L. Barrow, et al. v. Actavis Group hf, et al. James E. Freeman, et al. v. Actavis Group hf, et al. J. Kenneth Jewel v. Actavis Group hf, et al.
LOUISIANA MIDDLE LAM 3 08-310	David Longmire, et al. v. Actavis Group hf, et al.
LOUISIANA WESTERN LAW 5 08-880	Florence Pierce, et al. v. Actavis Group hf, et al.
MICHIGAN EASTERN MIE 2 08-12898	Anthony Harris, et al. v. Actavis Totowa, LLC, et al.

MDL No. 1968 - Schedule CTO-1 Tag-Along Actions (Continued)

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
NEBRASKA	
NE 8 08-326	Karen Sheahan, et al. v. Actavis Totowa, LLC, et al.
NEW JERSEY	
NJ 2 08-2943	Marion Roy, etc. v. Actavis Group hf, et al.
NJ 2 08-2960	Joyce A. Hergert, etc. v. Actavis Group hf, et al.
NJ 2 08-2976	Michael Pasken, et al. v. Actavis Group hf, et al.
NJ 2 08-3325	Jerry Bratcher, et al. v. Actavis Group hf, et al.
NJ 2 08-3348	Dona E. Bellamy, et al. v. Actavis Group hf, et al.
NJ 2 08-3349	Bertina E. Hoover, et al. v. Actavis Group hf, et al.
NJ 2 08-3350	Arika Elizabeth Morrow, etc. v. Actavis Totowa, LLC, et al.
NJ 2 08-3351	Phillip Mariam, et al. v. Actavis Group hf, et al.
NJ 2 08-3352	Jeanette Mcanly v. Actavis Group hf, et al.
NJ 2 08-3449	Ernestine Moore v. Actavis Group hf, et al.
NJ 2 08-3473	Marlene Lydia Bradaway, et al. v. Actavis Group hf, et al.
OHIO SOUTHERN	
OHS 3 08-276	Sandra J. Marcum, etc. v. Actavis Group hf, et al.
PENNSYLVANIA EASTERN	
PAE 2 08-2506	John Tucker, et al. v. Actavis Group hf, et al.
TENNESSEE EASTERN	
TNE 1 08-134	Delores J. Keith, etc. v. Actavis Totowa, LLC, et al.
TNE 1 08-179	Benny Shope, etc. v. Actavis Totowa, LLC, et al.
TEXAS SOUTHERN	
TXS 4 08-1995	Jennifer McCorquodale, etc. v. Actavis Group hf, et al.
WEST VIRGINIA NORTHERN	
WVN 1 08-146	Robert Bey, et al. v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-147	Dorothy Boullion v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-148	Julie Carello v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-149	Janetta Clark v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-150	Robert Hemberger v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-151	Vincent Maddi v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-152	Thomas Murkowski v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-153	Ray Murphy v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-154	Roberta Sener v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-155	Errol Simpson v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-156	Ronald Wooten v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-157	Alan Zacek v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-158	Edmond Kazzi v. Mylan Pharmaceuticals, Inc., et al.
WVN 1 08-159	Andrew Porter v. Mylan Pharmaceuticals, Inc., et al.

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

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IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

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MDL No. 1968 - Involved Judges List (CTO-1) (Continued)

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IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

INVOLVED CLERKS LIST (CTO-1)

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MDL No. 1968 - Involved Clerks List (CTO-1) (Continued)

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UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
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Eighth Circuit

DIRECT REPLY TO:

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September 8, 2008

Teresa Deppner, Clerk
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Charleston, WV 25329-2546

Re: MDL No. 1968 -- IN RE: Digitek Products Liability Litigation

(See Attached CTO-1)

Dear Ms. Deppner:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on August 21, 2008. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By 
Denise Morgan-Stone
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Joseph R. Goodwin
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: (See Attached List of Clerks)

JPML Form 36