

A CERTIFIED TRUE COPY
 ATTEST
 By Jakeia R. Mells on May 07, 2010

FOR THE UNITED STATES
 JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION

FILED
 MAY - 7 2010
 UNITED STATES JUDICIAL PANEL
 CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 BY *[Signature]* DEPUTY

UNITED STATES
 JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION
 Apr 22, 2010
 FILED
 CLERK'S OFFICE

**IN RE: HYDROXYCUT MARKETING
 AND SALES PRACTICES LITIGATION**

MDL No. 2087

(SEE ATTACHED SCHEDULE)

09md2087-BTM(AJB)

CONDITIONAL TRANSFER ORDER (CTO-8)

On October 6, 2009, the Panel transferred 13 civil actions to the United States District Court for the Southern District of California for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 655 F.Supp.2d 1357 (J.P.M.L. 2009). Since that time, 19 additional actions have been transferred to the Southern District of California. With the consent of that court, all such actions have been assigned to the Honorable Barry Ted Moskowitz.

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 California and assigned to Judge Moskowitz.

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 California for the reasons stated in the order of October 6, 2009, and, with the consent of that court, assigned to the Honorable Barry Ted Moskowitz.

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 California. The transmittal of this order to said Clerk shall be stayed 14 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 14-day period, the stay will be continued until further order of the Panel.

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

May 07, 2010

CLERK'S OFFICE
 UNITED STATES
 JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION

FOR THE PANEL:

[Signature]
 Jeffery N. Lüthi
 Clerk of the Panel

I hereby attest and certify on *5/17/10*
 That the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

By *[Signature]* Deputy

**IN RE: HYDROXYCUT MARKETING
AND SALES PRACTICES LITIGATION**

MDL No. 2087

SCHEDULE CTO-8 - TAG-ALONG ACTIONS

DIST. DIV. C.A.# CASE CAPTION

ALABAMA NORTHERN

ALN 2 10-780 Torris D. Lucas, et al. v. Muscletech Research & Development,
Inc., et al.

CALIFORNIA NORTHERN

CAN 3 10-1530 Sevan Kevorkian, et al. v. Iovate Health Sciences USA, Inc., et al.

NEW YORK EASTERN

~~NYE 1 10-1464 Elvis A. Diaz-Martines v. Iovate Health Sciences Group, Inc., et al.~~
Vacated 4/27/10