

A CERTIFIED TRUE COPY
 ATTEST
 By Darion Payne on Nov 02, 2009
 FOR THE UNITED STATES
 JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION

UNITED STATES
 JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION

Oct 15, 2009

UNITED STATES JUDICIAL PANEL
 on
 MULTIDISTRICT LITIGATION

FILED
 CLERK'S OFFICE

IN RE: HYDROXYCUT MARKETING
 AND SALES PRACTICES LITIGATION

FILED
 NOV - 2 2009
 CLERK U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 BY: *KAS* DEPUTY

MDL No. 2087

(SEE ATTACHED SCHEDULE)

09 md 2087 - BTM(AJB)

CONDITIONAL TRANSFER ORDER (CTO-1)

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 ___ F.Supp.2d ___ (J.P.M.L. 2009). 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 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.

Inasmuch as no objection is pending at this time, the stay is lifted.
Nov 02, 2009
 CLERK'S OFFICE
 UNITED STATES
 JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION

FOR THE PANEL:

Jeffery N. Lüthi

 Jeffery N. Lüthi
 Clerk of the Panel

I hereby attest and certify on 11/4/09
 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 *K. Gordon* Deputy

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

MDL No. 2087

SCHEDULE CTO-1 - TAG-ALONG ACTIONS

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
CALIFORNIA CENTRAL CAC 2 09-4529	Sarah Kwon v. Iovate Health Sciences, U.S.A., Inc., et al.
CALIFORNIA NORTHERN CAN 3 09-3861	Hector Manuel Abarca, et al. v. Iovate Health Sciences, U.S.A., Inc., et al.
GEORGIA NORTHERN GAN 1 09-1909 GAN 1 09-2713	Monique Cooper v. Iovate Health Sciences, Inc., et al. James Christopher Thompson, et al. v. Iovate Health Sciences, Inc., et al.
NEW YORK SOUTHERN NYS 1 09-6334 NYS 1 09-6740 NYS 1 09-8630	Martin Robertson, et al. v. Iovate Health Sciences, Inc., et al. Juan A. Noyola, II v. Iovate Health Sciences U.S.A., Inc., et al. Richard A. Bough v. Kerr Investment Holding Corp., et al.
OHIO NORTHERN OHN 3 09-1944	Christopher Hamilton, et al. v. Iovate Health Sciences, U.S.A., Inc., et al.
WEST VIRGINIA SOUTHERN WVS 2 09-995	Rhonda M. Hawkins v. Iovate Health Sciences, Inc., et al.