

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO: 5:09-CV-130-RLV-DCK

RALPH LERCH and KAREN LERCH,)
)
 Plaintiff,)
 v.) ORDER
)
 DAVOL Inc. and C.R. Bard, Inc.,)
)
 Defendants.)
)

THIS MATTER is before the Court on the Defendants’ “Unopposed Motion for Stay of Proceedings Pending Transfer to Federal MDL” (Document No. 4) filed on December 23, 2009.¹ The motion has been referred to the Magistrate Judge, and immediate review is appropriate. Having fully considered the record, and noting the Plaintiffs’ consent, the undersigned will **grant** the requested stay for the following reasons:

Davol Inc. and C.R. Bard, Inc. (“Defendants”) indicate in their motion that “all federal court cases concerning the Composix® Kugel® Patch have been or imminently will be transferred to the District of Rhode Island for consolidated pretrial proceedings.” (Document No. 4, p. 2); see *In re Kugel Mesh Hernia Patch Prods. Liab. Litig.*, 493 F. Supp. 2d 1371, 1373 (J.P.M.L. 2007) (ordering that centralization was warranted for 13 actions and 18 potential tag-along actions pending in multiple districts, and that the District of Rhode Island was the appropriate transferee forum).

The present Defendants therefore move this Court for an order staying all deadlines and any other matters here, pending transfer of this “tag-along” action to the United States District Court for the District of Rhode Island for centralized pretrial proceedings in the multidistrict litigation

¹J.P.M.L. is the abbreviation for the Judicial Panel on Multidistrict Litigation.

(“MDL”) cited above. *Id.* (observing that consolidated pretrial proceedings will ensure “that pretrial proceedings will be conducted in a manner leading to the just and expeditious resolution of all actions to the overall benefit of the parties”). Plaintiffs do not oppose the request for stay pending transfer.

IT IS THEREFORE ORDERED that the Defendants’ “Unopposed Motion for Stay of Proceedings Pending Transfer to Federal MDL” (Document No. 4) is **GRANTED**.

IT IS SO ORDERED.

Signed: December 30, 2009



David C. Keesler
United States Magistrate Judge

