

A CERTIFIED TRUE COPY

ATTEST

By Teresa Bishop on Feb 02, 2009

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Jan 15, 2009

**FILED
CLERK'S OFFICE**

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION

MDL No. 1968

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-8)

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* 571 F.Supp.2d 1376 (J.P.M.L. 2008). Since that time, 63 additional actions have been transferred to the Southern District of West Virginia. 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:


Jeffrey N. Luthi
Clerk of the Panel

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

Feb 02, 2009

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

SCHEDULE CTO-8 - TAG-ALONG ACTIONS

DIST. DIV. C.A. #

CASE CAPTION

CALIFORNIA NORTHERN

CAN 3 08-5671

Janice Long, etc. v. Mylan Inc., et al.

LOUISIANA EASTERN

~~LAE 2 08-5051~~

~~Susan Tabor, et al. v. Actavis, Inc., et al. Opposed 1/29/09~~

LOUISIANA MIDDLE

LAM 3 08-804

Louis V. Gaudet, etc. v. Actavis Group, hf, et al.

MINNESOTA

MN 0 08-6348

Laurel Allenberg v. Actavis Totowa, LLC, et al.

TEXAS SOUTHERN

TXS 4 08-3648

Rachael Poore', et al. v. Actavis Totowa, LLC, et al.

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UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
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
United States Court of Appeals
Eighth Circuit

Judge W. Royal Furgeson, Jr.
United States District Court
Western District of Texas

Judge Frank C. Damrell, Jr.
United States District Court
Eastern District of California

DIRECT REPLY TO:

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February 2, 2009

Teresa Deppner, Clerk
Post Office Box 2546
Charleston, WV 25329-2546

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

(See Attached CTO-8)

Dear Ms. Deppner:

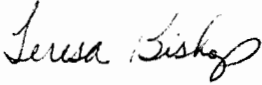
Attached as a PDF document is a certified copy of a conditional transfer order filed by the Panel in the above-captioned matter on January 15, 2009. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of 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, judges and clerks are attached to this letter.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By 
Teresa Bishop
Intake and Records Specialist

Attachments (Conditional Transfer Order is a Separate Document)

cc: Transferee Judge: Judge Joseph R. Goodwin