UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge Julia Smith Gibbons
United States Court of Appeals
Sixth Circuit

Judge D. Lowell Jensen
United States District Court
Northern District of California

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

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

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
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FILED
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JAN 30 2004

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

January 27, 2004

Bruce Rifkin, Clerk
215 William Kenzo Nakamura
U.S Courthouse
1010 Fifth Avenue
Seattle, WA 98104-1130

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

(See Attached Schedule CTO-40)

Dear Mr. Rifkin:

I am enclosing one certified copy and additional copies of a conditional transfer order filed by the Panel in the actions listed on the attached schedule on January 9, 2004. 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." 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 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer if they wish to do so. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By
Deputy Clerk

Attachments

cc: Transferee Judge: Judge Barbara Jacobs Rothstein
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: (See Attached List of Clerks)

A CERTIFIED TRUE COPY

JAN 27 2004

ATTEST: FOR THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JAN - 9 2004

FILED
CLERK'S OFFICE

DOCKET NO. 1407

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-40)

On August 28, 2001, the Panel transferred eight civil actions to the United States District Court for the Western District of Washington for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,331 additional actions have been transferred to the Western District of Washington. With the consent of that court, all such actions have been assigned to the Honorable Barbara Jacobs Rothstein.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Western District of Washington and assigned to Judge Rothstein.

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 Western District of Washington for the reasons stated in the order of August 28, 2001, 173 F.Supp.2d 1377 (J.P.M.L. 2001), and, with the consent of that court, assigned to the Honorable Barbara Jacobs Rothstein.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Western District of Washington. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

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

JAN 27 2004

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

SCHEDULE CTO-40 - TAG ALONG CASES
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

DISTRICT	DIV.	CIVIL ACTION#	
ALABAMA NORTHERN			
ALN	2	03-2	Gordon Neely, etc. v. Family Dollar Stores of Alabama, Inc., et al.
ARKANSAS EASTERN			
ARE	2	03-163	Linda Sue Hudson v. Wyeth, et al.
ARE	4	03-861	Shelia Carlson, et al. v. Chattem, Inc., et al.
CALIFORNIA CENTRAL			
CAC	2	03-8428	Marta Kuehne v. Bayer Corp.
DISTRICT OF COLUMBIA			
DC	1	03-2277	Sue Massie v. Novartis Consumer Health, Inc., et al.
DC	1	03-2285	Susan Neidlinger v. Novartis Consumer Health, Inc., et al.
ILLINOIS SOUTHERN			
ILS	3	03-728	Renee Anita v. The Delaco Co., et al.
INDIANA NORTHERN			
INN	3	03-814	Geniece M. Davis v. The Delaco Co., et al.
LOUISIANA WESTERN			
LAW	2	03-2119	Bruce Hamilton, et al. v. Bayer AG, et al.
MARYLAND			
MD	1	03-3279	Julia Walser v. Chattem, Inc., et al.
MINNESOTA			
MN	0	03-6100	Wesley Paul Avery v. Bayer Corp.
MN	0	03-6341	Vicki Hudson, et al. v. Novartis Pharmaceuticals Corp.
MISSOURI EASTERN			
MOE	4	03-1142	Denise Wilborn v. The Delaco Co., et al.
MOE	4	03-1636	Annette Brown v. Chattem, Inc., et al.
MISSOURI WESTERN			
MOW	2	03-4183	John Blackburn, etc. v. Bayer Corp., et al.
MOW	3	03-5136	Patty L. Zaerr v. Chattem, Inc, et al.
MISSISSIPPI NORTHERN			
~~MSN~~	~~4~~	~~03-290~~	~~George Brooks, et al. v. Bayer Corp., et al.~~ Opposed 1/27/04
MISSISSIPPI SOUTHERN			
MSS	2	03-568	Sidney Allen, et al. v. Proctor & Gamble
MSS	5	03-535	LaPatrick Jones, etc. v. Bristol-Myers Squibb Co., Inc.
MSS	5	03-540	Jim Prater, Jr. v. GlaxoSmithKline

DISTRICT DIV. CIVIL ACTION#

NORTH CAROLINA MIDDLE

NCM	1	03-1053	Joseph Randolph, et al. v. Bayer Corp.
NCM	1	03-1054	Jerry W. Bodenhammer, et al. v. Bayer Corp.

OHIO SOUTHERN

~~OHS~~	~~1~~	~~03-799~~	~~Marsha McGuire, etc v. Novartis Consumer Health, Inc., et al.~~	Opposed 1/15/04

TEXAS EASTERN

TXE	2	03-303	Janette H. Miller v. Alberton's, Inc., et al.

TEXAS NORTHERN

TXN	2	03-377	Donald L. Holder v. The Delaco Co., et al.

WISCONSIN EASTERN

WIE	1	03-1082	Diane Beauvais v. The Delaco Co., et al.
WIE	1	03-1083	Rochelle M. Bowey v. The Delaco Co., et al.

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JAN - 9 2004

FILED
CLERK'S OFFICE

DOCKET NO. 1407

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-40)

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FOR THE PANEL:

Michael J. Beck
Clerk of the Panel

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

JAN 27 2004

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

SCHEDULE CTO-40 - TAG ALONG CASES
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WISCONSIN EASTERN			
WIE	1	03-1082	Diane Beauvais v. The Delaco Co., et al.
WIE	1	03-1083	Rochelle M. Bowey v. The Delaco Co., et al.

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DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

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INVOLVED JUDGES LIST (CTO-40)
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

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~~Hon. Glen H. Davidson~~
~~Chief Judge, U.S. District Court~~
~~P.O. Box 767~~
~~Aberdeen, MS 39730-0767~~

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Hon. William C. Griesbach
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& Federal Building
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Hon. James H. Hancock
Senior U.S. District Judge
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Senior U.S. District Judge
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St. Louis, MO 63102

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Senior U.S. District Judge
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Chief Judge, U.S. District Court
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INVOLVED CLERKS LIST (CTO-40)
DOCKET NO. 1407
IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

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Bldg. & U.S. Courthouse
204 South Main Street
South Bend, IN 46601