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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE
(PPA) PRODUCTS LIABILITY
LITIGATION,

MDL NO. 1407

This document relates to:

Gwendolyn Hudson v. Bayer
Corporation, et al., No. 1-cv-
1771.

ORDER OVERRULING BAYER
CORPORATION'S OBJECTION TO
ORDER TO SHOW CAUSE WHY THIS
MATTER SHOULD NOT BE
REMANDED

On March 8, 2005, the court issued an order to show cause why this case should not be remanded. Defendant Bayer Corporation filed an objection, urging the court to stay remand of the case for six months. Having reviewed Bayer's brief in support of its objection to remand,¹ the court hereby finds and rules as follows:

Bayer urges the court to stay remand of the above-referenced case in order to relieve the corporation and its counsel of the hardships and scheduling conflicts that it claims will result if

¹ Plaintiff did not file a response to Bayer's objection.

1 the case is remanded to Louisiana. Bayer asserts that if the
2 court remands this case, 48 total cases against Bayer will have
3 been (or shortly will be) remanded back to Federal Courts in
4 Louisiana. Bayer requests that the court delay remand of this
5 case in order to allow the cases involving Bayer that have
6 already been remanded to work their way through the Louisiana
7 Federal Court system. In support of its request, Bayer points to
8 the final paragraph of Case Management Order 17C ("CMO 17C")
9 which states that the remand process is flexible and may be
10 adjusted as needed to "lessen the burden on any participant in
11 [the remand] process."

12 The court is not persuaded that a stay of the remand process
13 in this case is necessary. The court has set up a system for
14 remand, and both the plaintiff and defendants in this case agree
15 that the case is ripe for remand. While CMO 17C does allow the
16 court to adjust the flow of remanded cases, the present record
17 does not warrant such action. If the number of remanded cases to
18 date has indeed placed a burden on the Louisiana Federal Court
19 system, that is something for those courts to handle. If Bayer's
20 counsel is feeling burdened by the number of remanded cases,
21 counsel should raise the issue with the remand judge during the
22 scheduling conference. Simply put, Bayer's assertions of undue
23 burden are too vague to warrant a six month delay of remand in a
24 case where all parties agree that the case is ripe for remand.

25 Based on the foregoing, the court OVERRULES Bayer's
26 objection to the order to show cause why this matter should not

ORDER

Page - 2 -

1 be remanded. The above-referenced case will be included on the
2 court's next Suggestion of Remand Order.

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4 DATED at Seattle, Washington this 12th day of April, 2005.

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BARBARA JACOBS ROTHSTEIN
UNITED STATES DISTRICT COURT
JUDGE

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