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 Morey L. Sear
United States District Court
Eastern District of Louisiana

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

Judge Julia Smith Gibbons
United States District Court
Western District of Tennessee

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

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

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

http://www.jpml.uscourts.gov

December 10, 2001

FILED
LODGED
RECEIVED
MAIL
DEC 13 2001
AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

Bruce Rifkin, Clerk
2155 William Kenzo Nakamura
U.S. Courthouse
1010 Fifth Avenue
Seattle, WA 98104

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

Andrea S. Nutt, et al. v. Bayer Corp., W.D. Kentucky, C.A. No. 3:01-366

Dear Mr. Rifkin:

A conditional transfer order was filed in the above-captioned action on September 27, 2001. Prior to the expiration of the automatic fifteen-day stay, and, pursuant to Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), opposition to the proposed transfer was filed and the conditional transfer order was stayed until further order of the Panel. A request for withdrawal of the previously-filed opposition to the proposed transfer has been received by this office and an order is being filed lifting the stay of the conditional transfer order and transferring the action to your district pursuant to 28 U.S.C. §1407. I am enclosing a certified copy of today's order lifting the stay.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By April C. Layne
Deputy Clerk

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.
ATTEST: BRUCE RIFKIN
Clerk, U.S. District Court
Western District of Washington
By Mary Shell
Deputy Clerk

Enclosures

cc: Transferee Judge: Hon. Barbara Jacobs Rothstein
Transferor Judge: Hon. Charles R. Simpson, III
Transferor Clerk: Jeffrey A. Apperson

A CERTIFIED TRUE COPY

DEC 10 2001

ATTEST
FOR THE JUDICIAL PANEL OF
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

DEC 10 2001

FILED
CLERK'S OFFICE

DOCKET NO. 1407

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

Andrea S. Nutt, et al. v. Bayer Corp., W.D. Kentucky, C.A. No. 3:01-366

ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER

A conditional transfer order was filed in this action (*Nutt*) on September 27, 2001. Prior to expiration of the mandatory fifteen-day stay of execution, plaintiffs in *Nutt* filed a notice of opposition to the proposed transfer and the subsequent motion and brief to vacate the conditional transfer order. Plaintiffs in *Nutt* have now advised the Panel that they withdraw their initial opposition to the conditional transfer order.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-2" filed on September 27, 2001, is LIFTED insofar as it relates to this action, and thus the action is transferred to the Western District of Washington for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. §1407 being conducted by the Honorable Barbara Jacobs Rothstein.

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

I hereby certify that the annexed instruments is a true and correct copy of the original on file in my office.
ATTEST: BRUCE RIFKIN
Clerk, U.S. District Court
Western District of Washington.
By
Deputy Clerk

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

Andrea S. Nutt, et al. v. Bayer Corp., W.D. Kentucky, C.A. No. 3:01-366

David E. Dukes
Nelson, Mullins, Riley & Scarborough
1330 Lady Street
Keenan Bldg., 3rd Floor
P.O. Box 11070
Columbia, SC 29211

Charles C. Gordon
Gordon, Murray & Tilden
1325 Fourth Avenue
Suite 1800
Seattle, WA 98101

Douglas A. Hofmann
Williams, Kastner & Gibbs
P.O. Box 21926
Seattle, WA 98111

Joseph Hurson
Lane, Powell, Spears & Lubersky, LLP
1420 5th Avenue
Suite 4100
Seattle, WA 98101

Douglas H. Morris
Oldfather & Morris
1330 South Third Street
Louisville, KY 40208

Lance Eugene Palmer
Levinson, Friedman, Vhugen, Duggan, et al.
720 3rd Avenue
Suite 1800
Seattle, WA 98101

Charles F. Preuss
Preuss, Shanagher, Zvoleff & Zimmer
225 Bush Street
15th Floor
San Francisco, CA 94104

Randolph S. Sherman
Kaye, Scholer Law Firm
425 Park Avenue
12th Floor
New York, NY 10022

Edward H. Stopher
Boehl, Stopher & Graves
400 West Market Street
Suite 2300, Aegon Center
Louisville, KY 40202

Terry O. Tottenham
Fulbright & Jaworski
600 Congress Avenue
Suite 2400
Austin, TX 78701

C. Crews Townsend
Miller & Martin
Volunteer Building, Suite 1000
832 Georgia Avenue
Chattanooga, TN 37402

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OFFICE OF THE CLERK

BRUCE RIFKIN
CLERK

WILLIAM KENZO NAKAMURA
U.S. COURTHOUSE, SUITE 215
SEATTLE, WASHINGTON 98104

December 17, 2001

Jeffrey A. Apperson, Clerk
US District Court
106 Gene Snyder US Courthouse
601 W. Broadway
Louisville, KY 4020

IN RE: MDL 1407 PHENLYPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

Dear Clerk:

CTO-2

Enclosed is a certified copy of the Transfer Order - Order Lifting Stay of Conditional Transfer Order from ~~CTO-3~~ entered by the Judicial Panel on Multidistrict Litigation. The Order became effective December 10, 2001. We have assigned an individual Western District of Washington (WAW) case number to your case to be transferred to us as listed below.

Please send us your file along with a certified copy of your docket entries. When you send your file, please refer to our case action number

Title of Case	Your Number	WAW Number
1. Andrea S. Nutt vs. Bayer Corp	3:01-366	CV01 2042

Sincerely,

BRUCE RIFKIN, CLERK

By Mary Duett

Mary Duett, Deputy Clerk
206-553-4080 ext 2154