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

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CLERK U S DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

MDL 1407

April 14, 2003

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

Ruby Cunningham v Bayer Corp , et al , N D Mississippi, C A No 2 02-260
Mary Coats Wilkinson, et al v American Home Products Corp , et al , N D Mississippi, C A No 2 02-261
Carol Adams v Chattem, Inc , et al , E D Texas, C A No 6 02-587
Deann Fetzer, et al v Chattem, Inc , et al , S D Texas, C A No 4 02-4891
Anna Faye Miller v Chattem, Inc , et al , W D Texas, C A No 1 02-801

Dear Rifkin

I am enclosing a certified copy and additional copies of an order filed by the Judicial Panel on Multidistrict Litigation in the above-captioned matter The act creating the Panel provides that

> Orders of transfer shall be filed in the office of the clerk of the district court of the transferee district and shall be effective when thus filed The clerk of the transferee district court shall forthwith 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 28 U S C § 1407(c)

As is also required by the statute, a copy of the order is being sent to the clerk for the District of South Carolina, the district in which the hearing on this matter was held on March 27, 2003

A list of involved counsel is attached

Very truly,

Michael J Beck
Clerk of the Panel

By _____
Deputy Clerk

MD 01-01407 #00001750

Enclosures/Attachment

1750

cc Transferee Judge Judge Barbara Jacobs Rothstein
Transferor Judges Judge W Allen Pepper Jr , Judge Lee H Rosenthal, Judge Sam Sparks, Judge William M Steger
Transferor Clerks Arlen B Coyle, David J Maland, Michael N Milby, William G Putnicki
Hearing District Clerk Larry W Propes

JPML Form 29

A CERTIFIED TRUE COPY

APR 14 2003

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

APR 14 2003

FILED
CLERK'S OFFICE

DOCKET NO. 1407

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

***Ruby Cunningham v. Bayer Corp., et al.*, N D. Mississippi, C.A. No. 2:02-260**
***Mary Coats Wilkinson, et al. v. American Home Products Corp., et al.*, N.D. Mississippi, C.A. No. 2:02-261**
***Carol Adams v. Chattem, Inc., et al.*, E.D. Texas, C.A. No. 6:02-587**
***Deann Fetzer, et al. v. Chattem, Inc., et al.*, S.D. Texas, C.A. No. 4:02-4891**
***Anna Faye Miller v. Chattem, Inc., et al.*, W.D. Texas, C.A. No. 1:02-801**

BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, BRUCE M. SELYA,* JULIA SMITH GIBBONS, D. LOWELL JENSEN,* J. FREDERICK MOTZ AND ROBERT L. MILLER, JR., JUDGES OF THE PANEL

TRANSFER ORDER

Before the Panel are motions brought, pursuant to Rule 7 4, R P J P M L , 199 F R D 425, 435-36 (2001), by plaintiffs in two Northern District of Mississippi and three Eastern, Southern and Western District of Texas actions Plaintiffs seek to vacate Panel orders conditionally transferring their respective action to the Western District of Washington for inclusion in the centralized pretrial proceedings occurring there in this docket before Judge Barbara Jacobs Rothstein Pleadings in support of transfer have been filed i) with respect to the Northern District of Mississippi *Cunningham* action by defendants Bayer Corp , Block Drug Co and Proctor & Gamble Co., ii) with respect to the Northern District of Mississippi *Wilkinson* action by defendants Bayer Corp and Wyeth, and iii) with respect to the three Eastern, Southern and Western District of Texas actions by defendants Chattem, Inc , and The Delaco Co

On the basis of the papers filed and hearing session held, the Panel finds that these five actions involve common questions of fact with actions in this litigation previously transferred to the Western District of Washington, and that transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation The Panel is persuaded that transfer of the actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket The Panel held that the Western District of Washington

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*Judge Jensen took no part in the decision of this matter Additionally, Judge Selya took no part in the disposition of this matter with respect to the Northern District of Mississippi and Southern District of Texas actions

INVOLVED COUNSEL LIST
DOCKET NO. 1407
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