

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: AREDIA AND ZOMETA PRODUCTS
LIABILITY LITIGATION**

MDL No. 1760

ORDER DENYING TRANSFER

Before the Panel: Pursuant to 28 U.S.C. § 1407(c), plaintiffs in the 34 actions listed on Schedule A move for transfer of their respective actions to the Middle District of Tennessee for inclusion in MDL No. 1760. Defendant Novartis Pharmaceuticals Corp. joins in the motion with respect to the Northern District of Texas action, and plaintiffs in the other 33 actions assert that it likewise joins their motion.

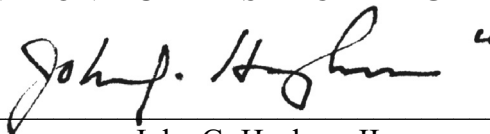
After reviewing the argument of counsel, we conclude that inclusion of these actions in MDL No. 1760 is not necessary to achieve the just and efficient conduct of the litigation. Earlier this year the Panel determined that conditionally transferring actions to MDL No. 1760 would not serve the purposes of Section 1407. Common discovery has been completed in the centralized proceedings, and the transferee court has issued rulings on general causation. The remaining issues in the cases in the transferee court appear to be case-specific, and the transferee court has been suggesting remand of waves of individual cases once briefing on motions has been completed.

The parties have not persuaded us that transfer is necessary. Indeed, plaintiffs' argument that their cases might be resolved sooner outside the transferee district seems to weigh against the necessity of transfer. The parties also have not addressed why they cannot "avail themselves of the documents and depositions accumulated under Judge Campbell's supervision of MDL No. 1760 while the cases move forward in their respective courts," particularly since counsel for plaintiffs is already involved in the MDL. Also, while plaintiff in the Northern District of Texas action argues that discovery as to that action has been conducted in MDL No. 1760, that discovery seems to be limited to the submission of a plaintiff's fact sheet, which could also be used in the Northern District of Texas. For these reasons, the Panel will allow the cases to move forward in their respective districts while still benefitting from the work that has been accomplished in the MDL over the past five years.

IT IS THEREFORE ORDERED that the motions, pursuant to 28 U.S.C. § 1407(c), for transfer of these 34 actions are denied.

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PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "John G. Heyburn II". The signature is written in a cursive style with a double underline at the end.

John G. Heyburn II
Chairman

Kathryn H. Vratil
Barbara S. Jones
Marjorie O. Rendell

W. Royal Furgeson, Jr.
Paul J. Barbadoro
Charles R. Breyer

**IN RE: AREDIA AND ZOMETA PRODUCTS
LIABILITY LITIGATION**

MDL No. 1760

SCHEDULE A

Middle District of Alabama

Linda Gregory, et al. v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-00744

Central District of California

Ervin Days v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03030
Janice Dahl v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03032
Marvin Hicks v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03038
Sylvia Gilmour v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03064
Kellie Hunt, et al. v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03142
Cheryl Lewis, et al. v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03146
Brenda Hudson, et al. v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03148
Sara Lawson v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03151
James McGuinness v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03153
Rosemarie McLaren v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03157
Harold Lucia v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03158
Mirjam Rozenfeld v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03163
Mildred Timmer v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03186
Donna Van Noy v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03187
Ronald Tatum v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03188
John Stewart v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03190
Deborah Stanley v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03191
Jack Scott v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-03195
Jaleh Farivar, et al. v. Novartis Pharmaceuticals Corporation, C.A. No. 8:11-00555

Eastern District of California

Bret McCurdy v. Novartis Pharmaceuticals Corporation, C.A. No. 1:11-00740

Northern District of California

Minerva Whitney, et al. v. Novartis Pharmaceuticals Corporation, C.A. No. 4:11-02894

Northern District of Georgia

Arnsel Collier, et al. v. Novartis Pharmaceuticals Corporation, C.A. No. 1:11-01969
Thomas Gonzales, et al. v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-00115

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Eastern District of Louisiana

Maria Jongebloed Holden v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-01098

District of Massachusetts

Walter Kostrzewa v. Novartis Pharmaceuticals Corporation, C.A. No. 1:11-11076
Knollin Spencer v. Novartis Pharmaceuticals Corporation, C.A. No. 1:11-11085

Northern District of Oklahoma

Stephanie Hahn v. Novartis Pharmaceuticals Corporation, C.A. No. 4:11-00346

Western District of Oklahoma

Louie Douglas Deming, et al. v. Novartis Pharmaceuticals Corporation,
C.A. No. 5:11-00557

Eastern District of Pennsylvania

Marilyn Alexander v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-04147

Western District of Pennsylvania

Robert Van Eman v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-00792

Northern District of Texas

Judy Henry v. Novartis Pharmaceuticals Corporation, C.A. No. 3:11-00915

Western District of Washington

Gwyneth DeMarc, et al. v. Novartis Pharmaceuticals Corporation, C.A. No. 2:11-00939

Eastern District of Wisconsin

Constance Schmucker, et al. v. Novartis Pharmaceuticals Corporation,
C.A. No. 2:11-00504