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U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.

DEC 03 2008

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UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Dec 03, 2008

**FILED
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ATTEST

By Tanisha Spinner on Dec 03, 2008

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: AREDIA AND ZOMETA PRODUCTS LIABILITY LITIGATION

Patricia Melau, etc. v. Novartis Pharmaceuticals Corp.,)	
N.D. Illinois, C.A. No. 1:08-4482)	(MDTN No. 3:08-cv-1156)
Terry Anderson v. Novartis Pharmaceuticals Corp.,)	MDL No. 1760
D. Minnesota, C.A. No. 0:08-4869)	(MDTN No. 3:08-cv-1157)

TRANSFER ORDER

Before the entire Panel*: Plaintiffs in a Northern District of Illinois action and a District of Minnesota action move, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), to vacate our order conditionally transferring the actions to the Middle District of Tennessee for inclusion in MDL No. 1760. Defendant Novartis Pharmaceuticals Corp. (Novartis) opposes the motion to vacate.

After considering all argument of counsel, we find that these actions involve common questions of fact with the actions in this litigation previously transferred to the Middle District of Tennessee, and that transfer of these actions to the Middle District of Tennessee for inclusion in MDL No. 1760 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. We further find that transfer of these actions is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Middle District of Tennessee was a proper Section 1407 forum for actions involving claims of injury related to one or both of the prescription drugs Aredia and Zometa. See *In re Aredia and Zometa Products Liability Litigation*, 429 F.Supp.2d 1371 (J.P.M.L. 2006).

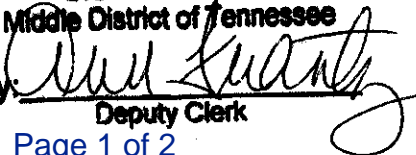
The somewhat convoluted procedural history of these two actions does not negate their commonality with the actions pending in the transferee district where important common issues are set to be addressed in the near future. Moreover, transfer of these two actions is consistent with the transferee judge's intent to have the actions before him in the centralized pretrial proceedings.

The plaintiffs base a significant part of their opposition to transfer on their concern that transfer will engender further delays in a litigation in which time is of the essence. We are sympathetic to this concern; however, inclusion of the present claims in MDL No. 1760 will have the salutary effect of placing all related claims in this docket before a single judge who can formulate a pretrial program that

* Judge Vratil took no part in the decision of this matter.

**ATTEST AND CERTIFY
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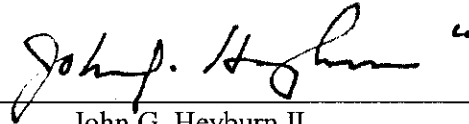
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Middle District of Tennessee

By 
Deputy Clerk

(1) prevents repetition of previously considered matters; and (2) allows pretrial proceedings with respect to any individual issues to proceed concurrently with pretrial proceedings on common issues. *See, e.g., In re Ephedra Products Liability Litigation*, 314 F.Supp.2d 1373, 1375 (J.P.M.L. 2004). Whenever the transferee judge deems remand of any claims or actions appropriate, procedures are available whereby this may be accomplished with a minimum of delay. *See* Rule 7.6, R.P.J.P.M.L., 199 F.R.D. at 436-38.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Middle District of Tennessee and, with the consent of that court, assigned to the Honorable Todd J. Campbell for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

PANEL ON MULTIDISTRICT LITIGATION



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