

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
Southern Division**

)	
)	
In re:)	Master File No.
)	CV 92-P-10000-S
SILICONE GEL BREAST IMPLANTS)	
PRODUCTS LIABILITY LITIGATION)	This document relates
(MDL 926))	to all cases
)	
)	

**ORDER No. 24
Surgitek, Inc. and Cabot Medical Corp.'s Summary Judgment**

Before the court is the motion of Surgitek, Inc. and Cabot Medical Corporation for summary judgment. The facts presented indicate that these companies have never been involved, either directly or indirectly, in manufacturing, designing, marketing, distributing, or selling silicone gel breast implant products or any component parts thereof. Plaintiffs have apparently sued them because Medical Engineering Corporation, a defendant in many of these cases, previously used the trade name Surgitek in marketing its implants. On March 12, 1992, pursuant to an Asset Purchase Agreement, Cabot purchased MEC's surgical stent and urological fiberoptic scope businesses, but not its breast implant business. Cabot also purchased the trade name Surgitek. Cabot then formed a subsidiary named Surgitek, Inc. which never engaged in the breast implant industry.

This is clearly a case of mistaken identity. Cabot and Surgitek have had no involvement with breast implants. Their motion for summary judgment is hereby GRANTED. All claims against these companies are hereby SEVERED under Fed. R. Civ. P. 42 from other issues and claims remaining in this litigation and are DISMISSED WITH PREJUDICE.

Under Fed. R. Civ. P. 54(b), the court expressly determines that there is no just reason for delay and expressly directs entry of final judgment dismissing all claims against these companies

in all cases pending in this court under the master file number CV 92-P-10000-S.

This the 8th day of August, 1995.

/s/ Sam C. Pointer, Jr.
United States District Judge

Service:
Plaintiffs' Liaison Counsel
Defendants' Liaison Counsel