

**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 to the cases
(MDL 926))	listed in the appendix to this order

ORDER No. 50B

Remand to Transferor Courts

Pursuant to the order of the Judicial Panel on Multidistrict Litigation dated April 20, 1999, the cases listed in the appendix to this order are hereby remanded to the Transferor Courts shown in the appendix subject to the following terms and conditions:

(a) All claims against Dow Corning Corp. and Dow Corning Wright (including any crossclaims or third-party claims by defendants against Dow Corning Corp. or Dow Corning Wright) are, to the extent not previously dismissed, severed and not remanded. Such claims are, however, administratively closed in this court and dismissed without prejudice to the institution and pursuit of such claims in the United States District and Bankruptcy Courts for the Eastern District of Michigan in accordance with procedures established in those courts. This court will, however, retain jurisdiction to vacate such dismissals and reopen such claims against Dow Corning on written motion if filed within 30 days after reorganization proceedings of Dow Corning are dismissed or within 30 days after the Eastern District of Michigan determines that reopening of such cases against Dow Corning is the procedure to be followed in liquidating such claims.

(b) All claims by any party against The Dow Chemical Company, Inc. and Dow Holdings Inc. are, to the extent not previously dismissed or transferred, severed and transferred to the United States District Court for the Eastern District of Michigan. Any requests for transfer of such claims to another federal court or for remand of such claims to state court will be determined by the Eastern District of Michigan.

(c) All claims by any party against McGhan Medical Corp., INAMED Corp., CUI Corp., and their subsidiaries and principals are, to the extent not previously dismissed, severed and administratively closed, without prejudice to the pursuit of such claims in the class settlement of such claims (and with the same rights under any such settlement as if they still had a pending lawsuit against such companies and individuals). Moreover, this court retains jurisdiction to vacate such closings and reopen such claims on request if that class settlement should be vacated.

(d) All claims against the following companies have been dismissed with prejudice through unappealed final judgments: Bioplasty, Inc.; Bio-Manufacturing, Inc.; Cabot Medical Corporation; Corning, Inc.; Foamex Products, Inc.; General Electric Co.; General Felt Industries, Inc.; Huls America Inc.; Knoll International Holdings, Inc.; Petrarch Systems, Inc.; Recticel Foam Corporation; Scotfoam Corporation; Scott Paper Company; Surgitek, Inc.; '21' International Holdings, Inc; '21' Foam Company, Inc.; and Uroplasty, Inc.

(e) All listed claims against Mentor Corporation; Mentor Polymer Technologies, Inc.; Mentor O&O, Inc.; Mentor H/S, Inc.; Mentor Urology, Inc.; Mentor International, Inc.; and Teknar Corp. relating

to breast implants implanted before June 1, 1993, are dismissed with prejudice.

(f) All listed claims against Union Carbide Corporation are, to the extent based on its 1990-1992 ownership of McGhan NuSil Corporation, remanded to the indicated transferor court, but will be subject to dismissal by such court as to any plaintiff who, though eligible, failed to timely opt out of the Revised Settlement Program. All other claims against Union Carbide Corporation, as well as all claims against Union Carbide Chemicals and Plastics Company, Inc., have been dismissed with prejudice pursuant to Order No. 37.

(g) All claims against Bristol-Myers Squibb Co., Medical Engineering Corp., Baxter Healthcare Corp., Baxter International Inc., Minnesota Mining and Manufacturing Co. ("3M"), and their subsidiaries are, if listed in the appendix, remanded to the indicated transferor court, but will be subject to dismissal by such court as to any plaintiff who, though eligible, failed to timely opt out of the Revised Settlement Program. Previously-pending claims against those companies, if not listed in the appendix, are dismissed (subject to the right to reopen to the extent permitted under the terms of the Revised Settlement Program should a participating defendant default in meeting its financial obligations under that settlement).

(h) All claims against other defendants not described in paragraphs (a) through (g) above are, if listed in the appendix, remanded to the indicated federal courts, or, if not listed in the appendix, are dismissed.

(i) In a few of the listed multi-plaintiff cases, the appendix identifies (in the column listing the defendants against whom claims are to be pursued) the plaintiffs whose claims are to be remanded. Where such an indication is provided, the claims of all other plaintiffs in those cases are severed and dismissed or administratively closed in this court and are not remanded.

(j) Further proceedings in the transferor courts after remand will be governed, in general and to the extent applicable, by the orders previously entered in MDL 926 and Master File No. CV 92-P-10000-S.

(1) Each plaintiff must, within 60 days after remand, serve upon the defendants in the case a completed questionnaire as previously prescribed by this court. This requirement does not apply if the plaintiff has previously served such a questionnaire on the defendants (or previously answered interrogatories seeking similar information) and such information is accurate and complete.

(2) Any motions for transfer under 28 U.S.C. ' 1404 or ' 1406, or for remand to state court, will be decided by the transferor court after remand.

(3) The provisions of Order No. 30, Order No. 30F, and Order No. 30G will apply to such further proceedings, including paragraph 8 of Order No. 30 which imposes an assessment on recoveries for "common benefit" services and expenses.

(4) The deposition testimony of the members of the National Science Panel, appointed under Orders No 31 and 31D, will be admissible and usable to the same extent as if taken, with proper notice, in the remand court.

(5) This court has previously transmitted to many of the courts to which cases are being remanded a copy of Order No. 30 and the various orders listed in Appendix A to Order No. 30 with which the courts should be made aware. The parties in the remanded cases are directed to ascertain from the courts whether such courts have previously received such orders and, if not, to contact the Clerk of this court to obtain, for transmittal to the remand courts, a "package" of such orders. Later

orders of general interest would include Order No. 31* (National Science Panel), Order No. 36 (ongoing studies), Order No. 37 (partial summary judgment for Union Carbide), Order No. 38 (summary judgment for General Electric). These orders, including the stipulation regarding objections to documents and the appendices to that stipulation, can also be obtained through the Internet at www.fjc.gov/BREIMLIT/mdl926.htm.

(6) Any order or docket entry reflecting the designation of Plaintiffs' Liaison Counsel or Defendants' Liaison Counsel as attorneys of record in any of these cases are hereby vacated.

This order will be filed in Master File CV 92-P-10000-S and (with the applicable page of the appendix) in each of the cases listed in the appendix.

This the 27th day of April, 1999.

/s/ Sam C. Pointer, Jr.

Chief Judge Sam C. Pointer, Jr.

Service: Plaintiffs= Liaison Counsel
Defendants= Liaison Counsel

Post on webpage

Cases Remanded to Transferor Courts

Transferor Ct.	ALN No.	Lead Plaintiff	Pltf Atty Namecode	Defendants Against Whom
AZ	4:95-00515	CV95-18055	SCHIPKE	SCHIPK_M 3M; AESTHETECH; AESTHETIC SURG. OF TUSCON; BRISTOL-MYERS; COOPER CO'S; COOPERSURGICAL; CV SUB 1987; MEC; NATURAL Y; PIERCE, JOHN; SURGICAL CENTER
FLM	8:98-01301	CV98-12290	GRAVISH	BLACK_DA BRISTOL- MYERS; MEC
FLN	3:93-30192	CV93-12062	SCHOENBERGER	PAPANT_M BRISTOL- MYERS; MEC (CLAIMS BY PLAINTIFF MCMULLEN ONLY)
KS	2:97-02505	CV97-11919	CHAYER	CLOON_BR BAXTER HEALTHCARE; BAXTER INT'L
KS	2:97-02638	CV98-11318	O'MEARA	CLOON_BR 3M
KYE	6:93-00044	CV93-11363	HENDERSON	CLARK_FR UNION CARBIDE
LAM	3:92-00373	CV92-10536	PEROT	HUNT_ERN BAXTER HEALTHCARE; BAXTER INT'L
LAW	5:93-00984	CV93-12733	EDDINGTON	THOMP_RO MEC
MOW	4:97-00410	CV97-10522	LANE	CLOON_BR BRISTOL- MYERS; MEC; MEC SUB
MOW	4:97-00895	CV97-10918	HOPKINS	CLOON_BR BRISTOL- MYERS; MEC; MEC SUB
MOW	4:97-01541	CV98-10182	CALVERT	CLOON_BR BAXTER HEALTHCARE; BAXTER INT'L; BRISTOL-MYERS; MEC; MEC SUB
MOW	4:98-00434	CV98-12036	SHERVA-OLLERICH	CLOON_BR 3M
MOW	4:98-00436	CV98-12038	WALLINGFORD	CLOON_BR 3M
MSS	2:97-00334	CV97-11697	ALEXANDER	MELVIN_L MULTI- PLAINTIFF, MULTI-DEFENDANT. PLAINTIFFS' MOTION TO REMAND TO STATE COURT PENDING.
NH	1:98-00008	CV98-11551	PYLES	HUGO_MIC (ADDED TO ORDER 50)--BAXTER HEALTHCARE; BAXTER INT'L
NJ	3:92-04586	CV92-11223	MAILLOUX-RITCHINGS	LEWINS_B BRISTOL- MYERS; COOPER CO'S; COOPERSURGICAL; MEC
NYE	1:94-03286	CV94-14002	KEEGAN	BLAIR_NO BAXTER HEALTHCARE; BAXTER INT'L
NYE	1:94-04401	CV94-14548	SHARP	BLAIR_NO 3M; BAXTER HEALTHCARE; BAXTER INT'L; BRISTOL-MYERS; COOPER CO'S; MEC
NYS	1:93-04630	CV93-12480	ENGLISH	PENNO_P BAXTER HEALTHCARE; BAXTER INT'L
NYS	1:93-05547	CV93-13114	MARTIN	PENNO_P 3M; BAXTER HEALTHCARE; BAXTER INT'L
NYS	1:95-04034	CV95-10243	BATES	RAM_CAND 3M; MCGHAN NUSIL; UNION CARBIDE
NYS	1:95-05924	CV95-14054	HAFFNER	PENNO_P PALUMBO, STEVEN
NYS	1:95-06121	CV95-13563	SELAGE	WEITZ_PE LAPIDUS, STEVEN M
NYS	1:95-06170	CV95-14117	D'ALESSANDRO	PENNO_P 3M
NYS	1:95-06173	CV95-14119	DEBELLIS	PENNO_P GRAFF, ARTHUR; NSHORE PLASSURG
NYS	1:95-06353	CV95-17643	FELDMAN	PENNO_P 3M
NYS	1:95-06449	CV95-17693	GONZALEZ	WEITZ_PE 3M
NYS	1:95-07237	CV96-10326	VON SEGGERINI	WEITZ_PE 3M; BRISTOL- MYERS; MEC; UNION CARBIDE
NYS	1:95-07266	CV95-19173	WANDREY	WEITZ_PE 3M; BRISTOL- MYERS SQUIBB; BAXTER HEALTHCARE; BAXTER INT'L; COOPER COMPANIES; MEC
NYS	1:95-07267	CV95-19174	WATSON	WEITZ_PE 3M; BAXTER HEALTHCARE; BAXTER INT'L; BRISTOL-MYERS; COOPERSURGICAL; MEC

NYS	1:95-07285	CV95-18225	MERRING	PENNOC_P H	GARCIA, ARIEL
NYS	1:95-07292	CV95-18232	MITCHELL	PENNOC_P	3M
NYS	1:95-07298	CV95-18237	MUSTILLO	PENNOC_P HOWARD	BELLIN,
NYS	1:95-07313	CV95-18242	POWERS	PENNOC_P	3M
NYS	1:95-07348	CV96-10056	KNOX	PENNOC_P	3M
NYS	1:95-07399	CV96-10102	BECKER	WEITZ_PE	3M
NYS	1:95-07430	CV96-10130	BORDES	PENNOC_P	3M
NYS	1:95-07492	CV96-10183	ESPANA	WEITZ_PE MYERS; MEC	BRISTOL-
NYS	1:95-07531	CV96-10215	BAN	WEITZ_PE	3M
NYS	1:95-07957	CV96-12130	CLIFFORD	PENNOC_P	RISH, BENITO
NYS	1:95-08504	CV96-10372	NUNES	WEITZ_PE	3M; BRISTOL-
				MYERS; MEC; BAXTER HEALTHCARE; BAXTER INT'L	
NYS	1:95-08516	CV96-10384	RIZZUTO	WEITZ_PE	3M; BAXTER HEALTHCARE; BAXTER INT'L; BRISTOL-MYERS; MEC; COOPER COMPANIES
NYS	1:95-08642	CV96-10431	BALDWIN	PENNOC_P	GRAFF,
				ARTHUR; N SHORE PLAS SURG	
NYS	1:95-08813	CV96-10277	BROWN	WEITZ_PE	3M; BAXTER HEALTHCARE; BAXTER INT'L; BRISTOL-MYERS SQUIBB; MEC
NYS	1:95-08814	CV96-10278	BROWN	WEITZ_PE	3M; BRISTOL-
				MYERS; MEC SUB.	
NYS	1:95-08903	CV96-10482	DERAFFELE	WEITZ_PE	HORNE, JAMES
OHN	4:97-02127	CV98-11697	HIKENBAUGH	BRODHE_P	BAXTER HEALTHCARE CORP; BAXTER INT'L
TXS	3:95-00508	CV95-13663	HARRIS	MULLIG_P	AESTHETECH; BRISTOL-MYERS; COOPER CO'S; MEC (CLAIMS BY PLAINTIFF SANDY NGUYEN)
TXS	4:95-02882	CV95-11560	PICKETT	GALLAG M	AESTHETECH; BRISTOL-MYERS; CBI MEDICAL; COOPERSURGICAL; COOPERSURVISION; CV SUB 1987; MEC; MEC SUBSIDIARY; NATURAL Y; SIROD CORP; WILSHIRE FOAM PROD
TXS	4:95-07160	CV95-15014	BAUTCH	MULLIG_P	BAXTER HEALTHCARE; BRISTOL-MYERS; CRONIN, THOMAS; GALATI, VIKI; MEC (AS TO CLAIMS BY PLAINTIFF LESLEY FERGUSON)
TXS	4:95-07566	CV95-15359	DREHER	MULLIG_P	BRISTOL- MYERS; CRONIN, THOMAS; GEROW, FRANK; MEC (AS TO CLAIMS BY VIRGIE DREHER)
TXS	4:95-10056	CV95-18437	FORKNER	MULLIG_P	3M; CARUTHERS, NILES; ESTATE OF THOMAS CRONIN; ESTATE OF FRANK GEROW; DR. HERNHAM
TXS	4:95-10316	CV95-18697	SNOWDEN	MULLIG_P	3M; CARROTHERS, NILE; CRONIN, THOMAS; FITZGERALD, JIM; GEROW, FRANK; JOHNSON, GERALD; JOHNSON, TERRI; MCGHAN NUSIL; PFARDRESHER, SUZY; SANDERS, THOMAS; SOUTHER, HAL (AS TO CLAIMS BY PLAINTIFFS RACHEL BATEMAN, INA RAE MAYO, PATRICIA SNOWDEN, AND DAISY MCCLURE)
TXS	4:96-01352	CV96-12215	PATE	HOUSSE_C	3M; BAXTER HEALTHCARE; BAXTER INT'L; BRISTOL-MYERS; MEC (CLAIMS BY PLAINTIFFS SHAREEN KETCHUM, GENEVA MILLAN, AND DONNA RUTH PATE)
UT	1:98-00079	CV98-12228	CLAY	HUGO_MIC	(ADDED TO ORDER 50) BAXTER HEALTHCARE; BAXTER INT'L