

**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. 55B

Remand to Transferor Courts

Pursuant to the remand order of the Judicial Panel on Multidistrict Litigation entered January 24, 2000, received by the Clerk of this court on January 27, 2000, the cases listed in the appendix A 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., Cox Uphoff 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).

(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) 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 (on-going 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.

(7) Any motion, stipulation, etc. to be filed in any of the remanded cases after this date should not be filed in this court but should be filed in the transferor court after it has received the file from the clerk of this court.

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

Listed in appendix B to this order are four cases that were on the JPMDL's list of cases to be remanded but that had been closed in this court on January 26, 2000, before the Panel's order was received by the Clerk of this court. These four cases, having been closed, are not being remanded.

This the 28th day of January, 2000.

/s/ Sam C. Pointer, Jr.

Judge Sam C. Pointer, Jr.

Service: Plaintiffs' Liaison Counsel
Defendants' Liaison Counsel
Clerk, Judicial Panel on Multidistrict Litigation
Post on webpage

Appendix A to Order 55B

Cases Remanded to Transferor Courts

Transferor Ct.	ALN No.	Lead Plaintiff	Pltf Atty	Defendants	
Against Whom Claims to be Pursued			Namecode		
AZ	2:98-00766	CV98-12075	MAUPIN	RINGWO_D HEALTHCARE; BAXTER INT'L	BAXTER
AZ	2:98-01695	CV98-12324	RIGBERG	HORENS_N	3M
CAC	2:94-07482	CV95-10122	WELLINS	HO_TAMAR HEALTHCARE; BAXTER INT'L	BAXTER
CAS	3:97-02046	CV98-10060	MORRIS	EGGLES_S BRISTOL-MYERS	
FLM	3:94-00264	CV94-12406	ANTOLIK	PARKS_SC BRISTOL-MYERS; MEC; MEC	
FLM	3:95-00490	CV95-10217	FRENCH	SUB. ALFORD_W	ST
FLM	8:99-01507	CV99-10136	SPALA	VINCENTS MED_CTR BOYDST_C	3M
FLS	2:93-14073	CV93-11483	POPE	BERKOW_S BRISTOL-MYERS; MEC	
GAN	1:97-02794	CV97-11497	ANDREW	MOFFET_F	MEC
GAN	1:97-02797	CV97-11883	GRANTHAM	SUB. MOFFET_F	MEC
GAN	1:97-02802	CV97-11884	RAMEY	SUB. MOFFET_F BRISTOL-MYERS	
GAN	1:97-02804	CV97-11500	UMENSETTER	MOFFET_F	MEC
GAN	1:97-02805	CV97-11627	WHITE	SUB. MOFFET_F BRISTOL-MYERS	
GAN	4:98-00032	CV98-11790	BAYLESS	COLVIN_W BRISTOL-MYERS; MEC	
IAS	1:98-80024	CV98-12084	LEINEN	MCCRIG_J BRISTOL-MYERS; MEC SUB.	
ILN	1:97-07125	CV97-12209	BINDER	(FORMERLY D/B/A SURGITEK) HURD_MAT BRISTOL-MYERS; MEC	
ILN	3:97-50073	CV97-10334	PETERS	REESE_BR BRISTOL-MYERS; MEC; MEC	
ILN	3:97-50286	CV97-11404	LANDIS	SUB. REESE_BR	3M; BRISTOL-MYERS; MCGHAN NUSIL; MEC; MEC SUB.; NATURAL Y
ILN	3:98-50100	CV98-12087	AHLQUIST	REESE_BR	MENTOR
INN	1:95-00258	CV95-12900	MURPHY (GLICK)	(LIMIED TO POST '93 IMPLANTS) PETRI_VE AESTHETECH; BRISTOL- MYERS; COOPER CO'S; MEC SUBSIDIARY	
INN	2:95-00263	CV95-13420	THOMAS	PETRI_VE PLATIS, JAMES M	
INN	2:95-00266	CV95-13421	WALWORTH	PETRI_VE PLATIS, JAMES M	
INN	2:95-00269	CV95-13424	QUILLEN	PETRI_VE PLATIS, JAMES M	
INS	1:93-00616	CV93-12419	MARSHALL	PETRI_VE BRISTOL-MYERS; MEC	
KYW	3:97-00449	CV97-11073	UNDERWOOD	GRANT_RO HEALTHCARE; BAXTER INT'L	BAXTER
LAW	5:99-00825	CV99-10112	GREER, ET AL.	CREWS_WI	BAXTER

MIE	2:92-73018	CV92-11031	FRANK AGOSTA ET AL.	HEALTHCARE BARRON_R HEALTHCARE; BRISTOL-MYERS; MEC; MEC SUB.	BAXTER
MOE	4:92-00212	CV92-10196	VAN WINKLE	FINNEY_D HOSP SUPPLY (BAXTER HEALTHCARE)	AM
MOW	4:98-00054	CV98-11549	SCHERZER	MONSLO_H HEALTHCARE; BAXTER INT'L	BAXTER
NYE	1:94-03343	CV94-14010	KANNER	O'CONN_S (PLAINTIFFS SPATOLA AND WOOD- MARSHALL ONLY); BAXTER HEALTHCARE (PLAINTIFF WOOD-MARSHALL ONLY)	3M
NYS	1:95-05948	CV95-14065	KIKTUS	RESNIC_A HEALTHCARE; BAXTER INT'L	BAXTER
NYS	1:95-06014	CV95-13496	LOMBARDO	RESNIC_A AESTHETECH; BAXTER HEALTHCARE; BAXTER INT'L; COOPERSURGICAL; MARKHAM MED INT'L; MEC; MEC SUB.	3M;
NYS	1:95-06334	CV95-17625	TRENTACOSTE	RESNIC_A AESTHETECH; BAXTER HEALTHCARE; BAXTER INT'L; COOPERSURGICAL; MARKHAM MED INT'L; MEC; MEC SUB.	3M;
OHN	5:97-01987	CV97-11312	MANCINI	NORRIS_A MEDICAL (POST JUNE 1993 IMPLANT)	MCGHAN
OKW	5:96-00768	CV96-12275	LEHNHART	RICHA_CH TECH	POREX
SC	3:94-00186	CV94-11052	ESTES	HENSHA_C SUB. (FORMERLY D/B/A SURGITEK)	MEC
SC	3:97-01754	CV97-10949	NESS	ETHERI_J HEALTHCARE; BAXTER INT'L	BAXTER
TNE	1:97-00242	CV97-10664	MANNING	COLVIN_W BAXTER; BRISTOL-MYERS;	MEC
TNE	1:97-00541	CV98-12224	JONES	COLVIN_W BRISTOL-MYERS; MEC	
TNE	1:98-00005	CV98-11711	LOWE	COLVIN_W HEALTHCARE; BAXTER INT'L	BAXTER
TNE	1:98-00049	CV98-12050	SIMS	COLVIN_W BRISTOL-MYERS; MEC	
TNE	1:98-00311	CV98-12377	CROWE	COLVIN_W BRISTOL-MYERS; MEC	
TNE	1:98-00368	CV99-10022	HICKMAN	COLVIN_W BRISTOL-MYERS; MEC	
TNE	1:98-00369	CV99-10023	KIMBALL	COLVIN_W BRISTOL-MYERS; MEC	
TNE	1:98-00370	CV99-10024	WHEELER	COLVIN_W BRISTOL-MYERS; MEC	
TNE	1:98-00371	CV99-10025	RILEY	COLVIN_W BRISTOL-MYERS; MEC	
TNE	1:98-00372	CV99-10026	RICHESON	COLVIN_W BRISTOL-MYERS; MEC	
TNE	1:98-00373	CV99-10027	DOWIS	COLVIN_W BRISTOL-MYERS; MEC	
TNE	1:98-00386	CV98-12378	TUCKER	COLVIN_W HEALTHCARE; BAXTER INT'L	BAXTER
TXN	3:95-01669	CV95-14605	WAKEFIELD	MULLIG_P	3M
TXS	3:94-00013	CV94-11319	HEAD ET AL.	MELANC_R BAXTER HEALTHCARE; BAXTER INT'L; MCGHAN NUSIL; UNION CARBIDE (ALL PLAINTIFFS EXCEPT DONNA HEAD)	3M;
TXS	3:95-00314	CV95-13213	WALLS	BORLAN_R BRISTOL-MYERS; MEC; DR. MOORE; DR. KELLEHER	
TXS	4:95-02822	CV95-11503	MUNCY ET AL.	HOUSSE_C HILTON YEE; DR. WILMER WUEST (CLAIMS ONLY OF PLAINTIFF MARY BETH MUNCY)	DR.

TXS	4:95-08524	CV95-16185	POTTER-ALOISI	SCHERR_J	BAXTER
				HEALTHCARE	
TXS	4:97-00592	CV97-10360	ALDRIDGE	HOUSI_C	3M;
				BRISTOL-MYERS; MEC; MEC SUB.	
				(CLAIMS ONLY OF PLAINTIFF SUZANNE	
				MARIE BELL)	
TXW	3:95-00246	CV95-14550	MONTELONGO	BIEGAN_V	BAXTER
				HEALTHCARE (CLAIMS OF PLAINTIFFS	
				BOLINGER, POWELL AND SULLIVAN)	
TXW	6:98-00325	CV98-12380	DAVIS	LITTLE_Z	BAXTER
				HEALTHCARE	
UT	2:93-00842	CV93-13704	REDDING	EPPERS_D	3M
UT	2:98-00649	CV99-10030	DAVID	EPPERS_D	3M
				(PLTFS DAVID, FULLMER, GREEN)	
VAW	1:96-00192	CV97-10113	FRITZ	TAT_MARY	BAXTER
				HEALTHCARE; BAXTER INT'L	
VAW	2:97-00015	CV97-10177	JEWELL	MCAFEE_C	BAXTER
				HEALTHCARE; BAXTER INT'L	

Appendix B to Order 55B

Cases Already Closed in ALN and Hence Not Remanded to Transferor Courts

Transferor Ct.	ALN No.	Lead Plaintiff	Pltf Atty Namecode
CAC 2:93-05524	CV93-14152	FERRARI	SPAGNO_C
NYS 1:95-06084	CV95-13533	MENELLA	RESNIC_A
TXN 3:95-01683	CV95-18039	BASS	LAMINA_R
VAW 2:99-00095	CV99-10133	MOORE	TAT_MARY