

**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. 59B

Remand to Transferor Courts

Pursuant to the remand order of the Judicial Panel on Multidistrict Litigation entered March 9, 2000, received by the Clerk of this court on March 13, 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 against other defendants not described in paragraphs (a) and (b) above are, if listed in the appendix, hereby remanded to the indicated federal courts, or, if not listed in the appendix, are hereby dismissed. All listed claims against Bristol-Myers Squibb Co., Medical Engineering Corp., Baxter Healthcare Corp., Baxter International Inc., Cooper Companies; CooperSurgical; Minnesota Mining and Manufacturing Co. ("3M"), and their subsidiaries will be subject to dismissal in the transferor court after remand as to any plaintiff who, though eligible, failed to timely opt out of the Revised Settlement Program.

(d) 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. As a result of Order No. 13A, the amount of that assessment has been reduced to 4% of the gross amount of such recoveries.

(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) and Order No. 36 (on-going studies). 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/md1926.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 is 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 in each of the cases listed in appendix A.

This the 13th day of March, 2000.

/s/ Sam C. Pointer, Jr.

Judge Sam C. Pointer, Jr.

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

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Appendix A to Order 59B

Cases Remanded to Transferor Courts

Transferor Ct.	ALN No.	Lead Plaintiff	Pltf Atty	Defendants	
Against Whom Claims to be Pursued			Namecode		
AZ	2:98-02080	CV99-10001	RICHARDSON	HORENS_N BRISTOL-MYERS; COOPERSURGICAL; MEC	
AZ	2:98-02270	CV99-10050	LAWLESS	HORENS_N BRISTOL-MYERS; COOPERSURGICAL; MEC	
AZ	2:99-00368	CV99-10063	PICKETT	HORENS_N	3M
AZ	2:99-00529	CV99-10089	BOWMAN	KNAPP_CR	3M
AZ	2:99-00881	CV99-10101	GRAY	KNAPP_CR	3M
AZ	2:99-00918	CV99-10109	ANGUS	KNAPP_CR BRISTOL-MYERS; MEC	
AZ	2:99-00959	CV99-10110	HILL	KNAPP_CR BRISTOL-MYERS; MEC	
CAS	3:95-03101	CV98-10861	STUEVE	GIRARD_T HEALTHCARE	BAXTER
DC	1:98-03139	CV00-10001	FRY	SAUL_LEW HEALTHCARE; BAXTER INT'L	BAXTER
FLM	3:98-00984	CV99-10064	CLARKE	PARKS_SC HEALTHCARE; BAXTER INT'L	BAXTER
FLM	8:97-01435	CV97-11239	BRIANT	NADER_GE BRISTOL-MYERS	
FLM	8:97-02266	CV98-11485	SCARBOROUGH	BOYDST_C BRISTOL-MYERS; MEC	
GAN	1:98-03205	CV99-10090	LOWDER	SCHWAR_B	3M
GAN	1:99-03186	CV99-10149	JERI D. GLIDDEN	WILSO_JA BRISTOL-MYERS; MEC	
GAN	2:99-00153	CV99-10148	DORIS DUNN	GIBBON_T BRISTOL-MYERS; COOPER	
KYE	2:97-00206	CV98-11639	COLEMAN	CO'S; MEC; MEC SUB DEUTSC_D BRISTOL-MYERS; ROSSI, FRANK	
MA	1:99-10563	CV99-10114	THOMPSON	HUGO_MIC	3M
MN	0:97-02216	CV97-11935	DENSTAD	BIRD_CHA HEALTHCARE	BAXTER
NCM	1:97-00771	CV97-11097	CHRISTENSEN	HAHN_BLA BRISTOL-MYERS; MEC	
NCW	3:99-00435	CV99-10151	LUCIE BINDLECHNER	NEWKIR_R BRISTOL-MYERS; MEC	
NYE	1:97-00014	CV97-10349	BLAZE TOUPS, ET AL	PEDERS_M BRISTOL-MYERS; MEC	
NYE	1:97-02623	CV97-10790	GILDSTON	PEDERS_M HEALTHCARE; BAXTER INT'L	BAXTER
NYE	1:97-02732	CV97-10795	WALDMAN	PEDERS_M HEALTHCARE; BAXTER INT'L	BAXTER
NYE	1:97-02992	CV97-10936	REA	PEDERS_M HEALTHCARE; BAXTER INT'L	BAXTER
NYE	1:97-05263	CV98-11385	BYNUM	PEDERS_M HEALTHCARE; BAXTER INT'L	BAXTER
NYE	1:97-05419	CV98-11389	WILSON	PEDERS_M HEALTHCARE; BAXTER INT'L	BAXTER
NYE	1:97-05423	CV98-11393	ROBERTSON	PEDERS_M HEALTHCARE; BAXTER INT'L	BAXTER
NYE	1:97-05443	CV98-11395	PATTERSON	PEDERS_M HEALTHCARE; BAXTER INT'L	BAXTER
NYE	1:97-05445	CV98-11396	WILLIAMS	PEDERS_M HEALTHCARE; BAXTER INT'L	BAXTER
NYE	1:97-05448	CV98-11398	RIGOT	PEDERS_M HEALTHCARE; BAXTER INT'L	BAXTER

NYE	1:97-05459	CV98-11847	MATHIS	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYE	1:97-05460	CV98-11680	KITRUSH	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYE	1:97-05683	CV98-11407	CAIN	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYE	1:97-06846	CV98-11426	REPKA	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYE	1:98-00118	CV98-11927	EZRA	HEALTHCARE; BAXTER INT'L PEDERS_M	
NYE	1:98-01627	CV98-12127	LATONI	BRISTOL-MYERS; MEC PEDERS_M	BAXTER
NYE	1:98-04426	CV98-12310	THOMAS	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYE	1:98-04997	CV98-12315	BOOTH	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYE	1:98-05250	CV98-12345	CRATE	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYE	1:98-05490	CV98-12352	PENA	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYE	1:98-05493	CV98-12354	SULLIVAN	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYE	1:98-05496	CV98-12357	OAKES	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYE	1:98-05497	CV98-12358	SWANSON	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYS	1:95-04038	CV95-10245	SCHIAVONE	HEALTHCARE; BAXTER INT'L PEDERS_M	3M;
NYS	1:95-07160	CV95-17870	SCIBELLI	HERMAN, DR. STEVEN PEDERS_M	BAXTER
NYS	1:97-06694	CV98-12133	GILLIAM	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYS	1:97-08789	CV98-11430	TIPPY	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
NYS	1:97-09446	CV98-12136	PRIVATERA	HEALTHCARE; BAXTER INT'L PEDERS_M	BAXTER
OHN	3:98-07367	CV99-10049	REEVES	HEALTHCARE; BAXTER INT'L JORDAN_D	MCGHAN
OHS	1:97-00929	CV98-10204	BILLINGSLEY	(12/29/93 IMPLANT) DEUTSC_D	
OKN	4:99-00059	CV99-10106	AUSMUS	BRISTOL-MYERS HUMPH_RO	
OKN	4:99-00083	CV99-10107	ALLEN	BRISTOL-MYERS; MEC HUMPH_RO	
PAE	2:98-05778	CV99-10077	BEATTY	BRISTOL-MYERS; MEC SHELLE_J	COHEN,
PAM	1:99-00155	CV99-10078	ASSADI	STEPHEN; MIRABILE, ROBERT J.; UNI. OF PA. HOSP. REIHAR_D	
PAM	1:99-00706	CV99-10108	KINNARD ET AL.	BRISTOL-MYERS; MEC; MEC SUB. REIHAR_D	BAXTER
PAW	2:98-01805	CV99-10019	DUFFY	HEALTHCARE; BAXTER INT'L MESSER_H	
PAW	2:98-01806	CV99-10020	HUSSEY	SHADYSIDE HOSP.; SHADYSIDE H.E.R.; VAGLEY, RICHARD MESSER_H	
TXS	2:97-00390	CV97-11170	BAILEY	ARCILLA, JAIME; CONSTANTINO, ABRAHAM; FORBES HEALTH SYS; INT'L SILICONE; MED. COLLEGE PA. HOSP. JUAREZ_L	SOUTH
UT	1:98-00008	CV98-12011	COBB	TEXAS SURGICARE CENTER COLLAR_K	
UT	1:98-00097	CV98-12320	SCOTT	BRISTOL-MYERS; KEITER, JOHN E; MEC COLLAR_K	

UT	2:98-00066	CV98-12012	THOMAS	BRISTOL-MYERS; MEC COLLAR_K BRISTOL-MYERS; COTTONWOOD CLINIC; MEC
UT	2:98-00067	CV98-12013	BAKER	COLLAR_K BERGERA, JERALD J.; BRISTOL-MYERS; MEC
UT	2:98-00068	CV98-12014	JONES	COLLAR_K BRISTOL-MYERS; MEC; PLASTIC SURGERY CLINIC
UT	2:98-00069	CV98-12015	CLARK	COLLAR_K BRISTOL-MYERS; MEC
UT	2:98-00070	CV98-12016	ROSHELLEY	COLLAR_K BERGERA, JERALD A.; MCGHAN NUSIL; BRISTOL-MYERS; MEC
UT	2:98-00071	CV98-12017	CURRY	COLLAR_K BRISTOL-MYERS; CENTRAL VALLEY MEDICAL CENTER; MEC